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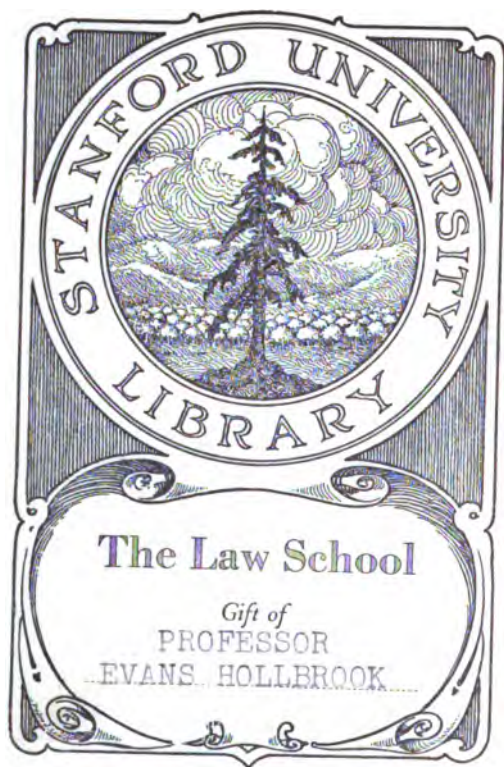
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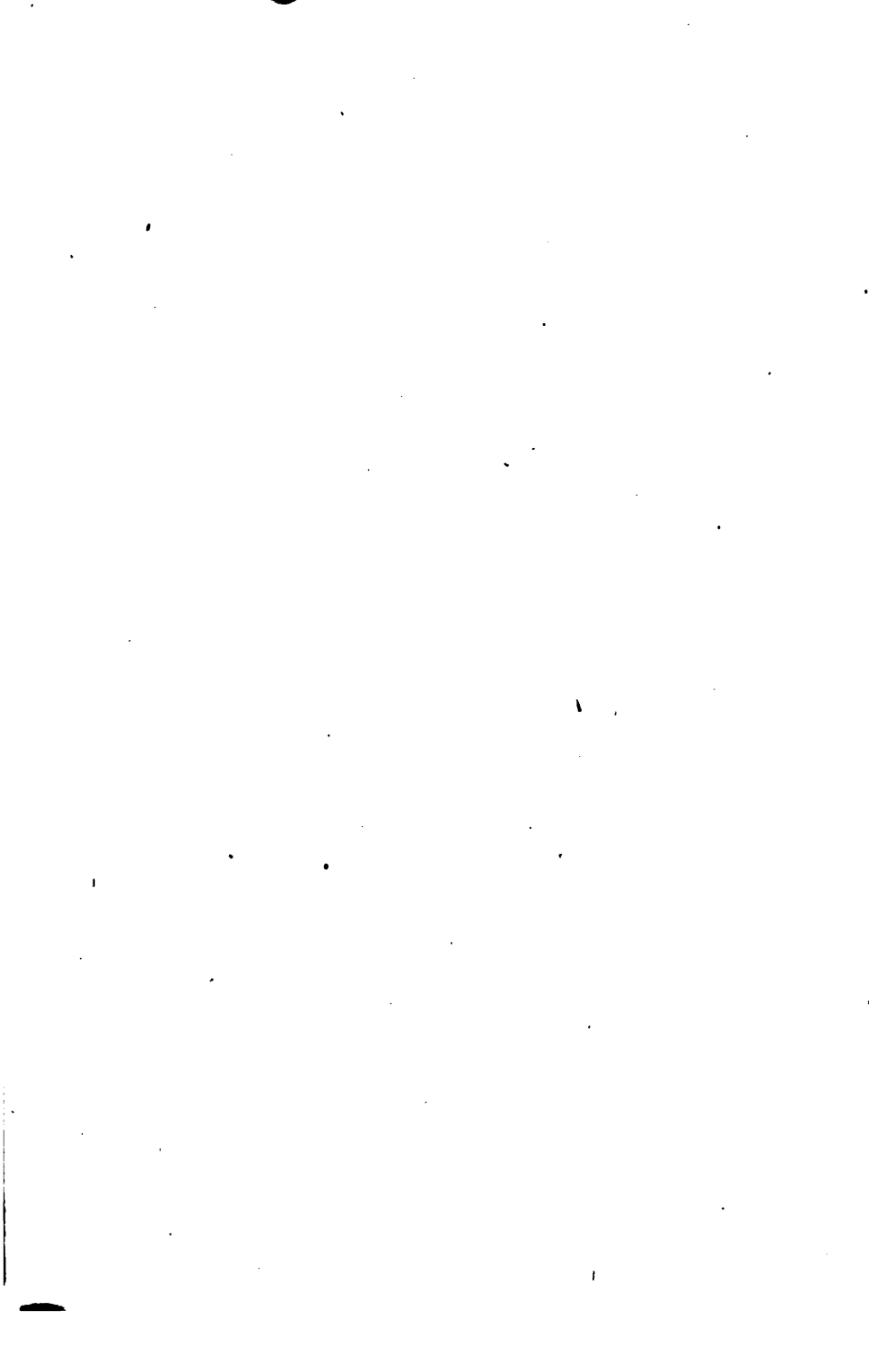
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ACT'S  
OF  
THE LEGISLATURE  
OF THE  
STATE OF MICHIGAN,

16400

PASSED AT  
THE REGULAR SESSION OF 1855,  
WITH AN  
APPENDIX,

Containing the State Treasurer's Annual Reports for the Years 1853 and  
1854; also Certified Statements of Boards of Supervisors relative  
to the Erection of New Townships.



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# LIST OF ACTS

PASSED BY THE LEGISLATURE OF 1855.

No.	Title.	Page.
1.	An act to provide for taking the census of Saginaw county, approved January 12, 1855, .....	1
2.	An act to provide for the payment of the members and officers, and incidental expenses of the Legislature, approved January 16, 1855, .....	2
3.	An act to amend sections thirteen and fifteen of an act entitled "an act relative to free schools in the city of Detroit," approved February 17th, one thousand eight hundred and forty-two; approved January 20, 1855,...	3
4.	An act to enlarge the powers of school district number eleven, in the city and township of Ann Arbor, in the county of Washtenaw, approved January 20, 1855,...	4
5.	An act to change the name of Alvah H. Bull, George W. Bull, Philo Bull, Ransom Bull, John Bull, Russel Bull, Hiram Bull, and Albert Bull, approved January 26, 1855, .....	5
6.	An act to change the name of Elizabeth Alger, approved January 26, 1855, .....	6
7.	An act to change the name of the township of Antrim, in the county of Grand Traverse, approved January 29, 1855, .....	6
8.	An act to extend the time for the collection of taxes in the township of Brookfield, for the county of Eaton, and to legalize the assessment roll for said township for the year one thousand eight hundred and fifty-four, approved January 30, 1855, .....	6
9.	An act to organize the township of Greenland, and define the boundaries thereof, and other purposes, approved January 30, 1855, .....	7

No.	Title.	Page.
10.	An act to provide for the collection of taxes in the several townships in the county of Ontonagon, for the year eighteen hundred and fifty-four, and to extend the time of collection thereof, approved January 30, 1855,.....	8
11.	An act to extend the time for the collection of taxes in the several townships of Emmet, Clyde, St. Clair and Port Huron, in the county of St. Clair, approved February 1, 1855,.....	8
12.	An act to extend the time for the collection and return of taxes in the town and in the city of Ann Arbor, in the county of Washtenaw, approved February 1, 1855,.....	9
13.	An act to extend the time for the collection and return of taxes in the townships of Muskegon, Wright and White River, in the county of Ottawa, approved February 1, 1855,.....	10
14.	An act for the relief of certain purchasers of primary school lands, approved February 2, 1855,.....	11
15.	An act to provide for the appointment of circuit court commissioners in cases of vacancy, approved February 2, 1855,.....	11
16.	An act to organize the county of Gratiot, approved February 3, 1855,.....	12
17.	An act to prevent the manufacture and sale of spirituous or intoxicating liquors as a beverage, approved February 3, 1855,.....	13
18.	An act to amend an act entitled an act for the encouragement of agriculture, manufactures, and the mechanic arts, approved March 16, 1849; approved February 6, 1855,.....	26
19.	An act supplementary to an act entitled an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes, approved February 5, 1853; approved February 6, 1855,.....	26
20.	An act for the incorporation of charitable societies, approved February 6, 1855,.....	28
21.	An act to organize the township of Forrester, in the county of Sanilac, approved February 6, 1855,.....	30
22.	An act to authorize the Water Commissioners of the city of Detroit to loan money for the purpose of extending and improving the water works of said city, approved February 6, 1855,.....	31
23.	An act to amend section fifty-eight of an act entitled "an act to incorporate the city of Grand Rapids," approved April 2, 1850; approved February 6, 1855,.....	31

# LIST OF ACTS.

No.	Title.	Page.
24.	An act to provide for the collection of taxes in the township of Thornapple, in the county of Barry, for the year eighteen hundred and fifty-four, and to extend the time for the collection thereof, approved February 7, 1855,.....	32
25.	An act to amend sections seven, eight and thirteen, of chapter one hundred and forty-eight of the revised statutes, relative to jails, approved February 7, 1855.....	33
26.	An act making appropriations for the salaries of the State officers for the years eighteen hundred and fifty-five and eighteen hundred and fifty-six, approved February 7, 1855,.....	34
27.	An act to provide for laying out private roads, approved February 7, 1855,.....	36
28.	An act to provide for the improvement of the mouth of the Ontonagon river, approved February 7, 1855,.....	37
29.	An act for the relief of School Districts, approved February 7, 1855,.....	38
30.	An act to annex certain portions of the township of Grass Lake, county of Jackson, to the township of Napoleon, approved February 8, 1855,.....	44
31.	An act to authorize mining companies to subscribe and take stock in plank roads or railroads, and to regulate taxation thereon, approved February 8, 1855,.....	44
32.	An act to extend certain rights and privileges to persons who are tax payers, but not qualified voters in school districts, approved February 8, 1855,.....	44
33.	An act to provide for the collection and return of taxes in township nine and ten north, range four west, in the county of Gratiot, for the year one thousand eight hundred and fifty-four, and to extend the time thereof, approved February 8, 1855,.....	45
34.	An act to provide for reporting cases determined by the Supreme Court, approved February 8, 1855,.....	46
35.	An act to extend the time for the collection of certain taxes for the year eighteen hundred and fifty-four, in the city of Detroit, approved February 8, 1855,.....	47
36.	An act to amend an act entitled an act to organize the county of Midland, approved March 29, A. D. 1850; approved February 8, 1855,.....	48
37.	An act to amend an act entitled an act to amend an act to incorporate the village of Kalamazoo, and the acts amendatory thereto, approved April first, A. D. one thousand eight hundred and fifty; approved February 9, 1855,.....	50
38.	An act to take township six north of range fifteen west, from the township of Ottawa, and annex the same to the township of Holland, in the county of Ottawa, approved February 9, 1855,.....	50

## LIST OF ACTS.

No.	Title.	Page.
39.	An act to provide for the incorporation of institutions of learning, approved February 9, 1855,.....	51
40.	An act to provide for the formation of companies for running, driving, booming and rafting logs, timber and lumber, and for regulating the floatage thereof, approved February 9, 1855,.....	55
41.	An act to amend an act entitled "an act to incorporate the village of Romeo," approved February 9, 1855,....	59
42.	An act to supply the township school libraries of the State with the Michigan Journal of Education and Teachers' Magazine, approved February 9, 1855,.....	63
43.	An act to provide for the collection of taxes in the town of Buena Vista, in the county of Saginaw, for the year eighteen hundred and fifty-four, and to extend the time for the collection thereof, approved February 9, 1855,.....	64
44.	An act to legalize the organization of the township of Emmet, in St. Clair county, and to set off and organize therefrom the township of Kenockee, approved February 9, 1855,.....	65
45.	An act to incorporate the village of Albion, approved February 9, 1855,.....	65
46.	An act to provide for the withdrawal of stocks from the hands of the State Treasurer, in certain cases, approved February 9, 1855,.....	81
47.	An act to authorize Charles C. Trowbridge to discharge a certain mortgage, approved February 9, 1855,.....	82
48.	An act to grant to the First Wesleyan Methodist Church in Lansing, a certain lot in the village of Lansing, approved February 9, 1855,.....	82
49.	An act to organize the township of Arcada, in the county of Gratiot, approved February 10, 1855,.....	83
50.	An act to organize the township of Millington, in the county of Tuscola, approved February 10, 1855,.....	83
51.	An act to amend section eighty, of chapter 16, in title 4 of the revised statutes of 1846, approved February 10, 1855,.....	84
52.	An act to authorize the board of health of the township of Waterford, in the county of Oakland, to control and possess a certain burial ground, approved February 10, 1855,.....	84
53.	An act to amend an act entitled "an act to amend an act entitled an act to incorporate the village of Coldwater, in the county of Branch, approved February 29, 1837," approved March 19, 1845; approved February 10, 1855,.....	85
54.	An act to provide for the laying out and establishing of a certain State road, approved February 10, 1855, .....	85



## LIST OF ACTS.

vii

No.	Title.	Page.
55.	An act to provide for issuing a certain patent to John Blake, of Berrien county, approved February 10, 1855,	86
56.	An act to amend section one of act number two hundred and fifty-two of the session laws of 1850, approved February 10, 1855,.....	87
57.	An act to incorporate the village of Dundee, approved February 10, 1855,.....	87
58.	An act to incorporate the village of Trenton, approved February 10, 1855,.....	98
59.	An act to amend sections fourteen and fifteen of an act entitled "an act to define the powers and duties of the board of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April 8, 1851; approved February 10, 1855,.....	108
60.	An act to incorporate the village of Jonesville, approved February 10, 1855,.....	109
61.	An act to incorporate the village of Lexington, approved February 10, 1855,.....	120
62.	An act to amend section six, chapter thirty-four, title six of the revised statutes of 1846, approved February 10, 1855,.....	131
63.	An act to organize the township of Mussey, in St. Clair county, approved February 10, 1855,.....	131
64.	An act to repeal act number eighty-one of the session laws of eighteen hundred and fifty-three, approved February 10, 1855,.....	131
65.	An act to authorize the common council of the city of Detroit to refund certain taxes, approved February 10, 1855,.....	132
66.	An act for the maintenance and regulation of a bridge at Ives' Dock, in the town of Springwells, approved February 10, 1855,.....	133
67.	An act to amend chapter fifty-eight, title eleven of the revised statutes of 1846, relative to the power of school districts in furnishing fuel for schools, approved February 10, 1855,.....	134
68.	An act proportioning certain highway taxes for the improvement of a road in the counties of Saginaw, Tuscola, Genesee and Lapeer, approved February 10, 1855,.....	135
69.	An act to repeal section thirty-nine of chapter sixteen of the revised statutes of 1846, and to substitute a new section therefor, to stand as section thirty-nine of said chapter, approved February 10, 1855,.....	137
70.	An act to establish teachers' institutes, approved February 10, 1855,.....	137
71.	An act to authorize the Auditor General to issue a land warrant to Luke H. Parsons, approved February 10, 1855,.....	138

## LIST OF ACTS.

No.	Title.	Page.
72.	An act supplemental to an act passed March 21, 1837, amendatory of "an act to incorporate the Michigan and Huron Institute," approved February 10, 1855,.....	138
73.	An act relative to the University fund, approved February 10, 1855,.....	139
74.	An act to amend an act entitled "an act to incorporate the village of Port Huron," approved February 10, 1855,.....	139
75.	An act to amend an act entitled "an act to incorporate the Southern Michigan Telegraph Company," approved April 2, 1850; approved February 10, 1855,.....	140
76.	An act to amend an act entitled an act for the relief of James Waters, approved February fifth, A. D. one thousand eight hundred and fifty-three; approved February 10, 1855,.....	141
77.	An act relative to indictments, approved February 10, 1855,.....	141
78.	An act to establish a House of Correction for juvenile offenders, approved February 10, 1855,.....	145
79.	An act to organize the township of North Star, in Gratiot county, approved February 12, 1855,.....	149
80.	An act to authorize the formation of county and town agricultural societies, approved February 12, 1855,.....	150
81.	An act to provide for the election of county auditors in the county of Wayne, approved February 12, 1855,....	152
82.	An act to provide for the incorporation of railroad companies, approved February 12, 1855,.....	153
83.	An act to organize the township of Goodland, in the county of Lapeer, approved February 12, 1855,.....	179
84.	An act to amend section four of "an act to authorize the county of Saginaw to loan its bonds to aid in the construction of a plank road, approved February 14, 1853;" approved February 12, 1855,.....	179
85.	An act to organize the township of Greenwood, in the county of St. Clair, approved February 12, 1855,....	180
86.	An act to amend an act entitled "an act to incorporate the city of Adrian," approved January thirty-first, eighteen hundred and fifty-three, and an act entitled "an act to amend section thirty-two of an act entitled an act to incorporate the city of Adrian, approved January thirty-first, eighteen hundred and fifty-three, approved February tenth, eighteen hundred and fifty-three;" approved February 12, 1855,.....	181
87.	An act relating to burying grounds, approved February 12, 1855,.....	187
88.	An act to provide for the sale of certain land in the village of Jackson, belonging to the State, approved February 12, 1855,.....	192

# LIST OF ACTS.

ix

No.	Title.	Page.
89.	An act to amend an act entitled "an act to provide for the incorporation of railroad companies, approved February 12, 1855,.....	193
90.	An act to amend sections nineteen and twenty-two of chapter one hundred and seventy-two of the revised statutes of 1846, approved February 12, 1855,.....	194
91.	An act to provide for the collection of tolls, and for the care, charge and operating of the St. Mary's Falls Ship Canal, approved February 12, 1855,.....	195
92.	An act to organize the county of Manistowic, approved February 12, 1855,.....	197
93.	An act to incorporate the village of Dexter, approved February 12, 1855,.....	199
94.	An act to amend the laws incorporating the city of Detroit, and the several acts amendatory thereto, approved February 12, 1855,.....	209
95.	An act to amend certain sections of an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February 14, 1853; approved February 12, 1855,.....	227
96.	An act to organize the township of Kimball, in St. Clair county, approved February 12, 1855,.....	230
97.	An act making an appropriation to aid the Michigan State Agricultural Society, approved February 12, 1855,.....	231
98.	An act to attach the counties of Isabella and Gladwin to the county of Midland, for judicial and municipal purposes, approved February 12, 1855,.....	231
99.	An act to change the name of the township of Newaygo, approved February 12, 1855,.....	232
100.	An act to amend an act entitled an act to provide for the government of the State University, and to repeal chapter fifty-seven of the revised statutes of eighteen hundred and forty-six, approved April 8, 1851; approved February 12, 1855,.....	232
101.	An act to provide for the disposal of the unexpended balance of the Grand Rapids Canal Lands, approved February 12, 1855,.....	232
102.	An act to amend an act entitled "an act relative to plank roads," approved March 13, 1848, and an act amendatory thereto, approved February 9, 1853; and to add two new sections thereto, approved February 12, 1855,.....	236
103.	An act to authorize the holding of a special election in Cheboygan, approved February 12, 1855,.....	236
104.	An act to apportion anew the Representatives among the several counties and districts of this State, approved February 12, 1855,.....	237
105.	An act relative to the disposition of the surplus funds in the State Treasury, approved February 12, 1855,....	238

No.	Title.	Page.
106.	An act making appropriations in aid of the Michigan Asylums, approved February 12, 1855,.....	239
107.	An act in relation to insurance companies and insurance agents, approved February 12, 1855,.....	241
108.	An act to change the name of the First Presbyterian Society in the township of Grass Lake, county of Jackson, and State of Michigan, approved February 12, 1855,..	242
109.	An act to authorize the formation of gas light companies, approved February 12, 1855,.....	243
110.	An act to repeal "an act to incorporate the Paw Paw Plank Road Company, approved April 3d, 1848;" approved February 12, 1855,.....	246
111.	An act to incorporate the village of Almont, approved February 12, 1855,.....	247
112.	An act to provide for the taxation of certain railroad companies, approved February 12, 1855,.....	263
113.	An act ceding to the United States of America jurisdiction over certain lands and their appurtenances, situate in the city of Detroit, and for other purposes therein mentioned, approved February 12, 1855,.....	263
114.	An act appropriating certain internal improvement lands for opening and improving a road from Watrousville, in the county of Tuscola, to Lower Saginaw, in Saginaw county, approved February 12, 1855,.....	264
115.	An act to provide for the inspection of lumber, approved February 12, 1855,.....	266
116.	An act to provide for the organization of the township of Buel, in the the county of Sanilac, approved February 12, 1855,.....	268
117.	An act to incorporate teachers' associations, approved February 12, 1855,.....	268
118.	An act to renew the warrant for and extend the time of collecting the taxes of the year 1854, in the township of Hamburg, in the county of Livingston, approved February 12, 1855,.....	269
119.	An act making appropriation for the payment of warrants drawn by the Board of State Auditors, approved February 12, 1855,.....	270
120.	An act to re-enact sections twenty-four and twenty-five of chapter ninety of the revised statutes, and to repeal section sixteen of an act to prohibit the maintaining suits in equity, approved June 28, 1851; approved February 12, 1855,.....	270
121.	An act to provide for the laying of a State road from Grand Rapids to Grand Traverse, approved February 12, 1855,.....	271
122.	An act relative to plank road companies, approved February 12, 1855,.....	272

## LIST OF ACTS.

xi

No.	Title.	Page.
123.	An act making appropriation for the State Normal School, approved February 12, 1855,.....	273
124.	An act to provide for the transfer of causes from one circuit court to another, in certain cases, approved February 12, 1855,.....	273
125.	An act relative to the Hillsdale and Indiana Plank Road Company, approved February 12, 1855,.....	275
126.	An act to organize the township of Mount Morris, in Genesee county, approved February 12, 1855,.....	275
127.	An act to authorize the conveyance of certain lots in the village of Lansing to Charles Fox, Harvey L. Baker, Jacob Strobel, Gotlieb Straub, and John G. Boess, trustees in trust for the Methodist Episcopal Church in the village of Lansing, approved February 12, 1855,.....	276
128.	An act to prevent the issue and sale of fraudulent stock by incorporated companies, approved February 12, 1855,.....	277
129.	An act to amend an act entitled an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853; approved February 12, 1855,.....	278
130.	An act for the establishment of a State Agricultural School, approved February 12, 1855,.....	279
131.	An act to provide for repairing and finishing the State Prison, and for the construction of cells therein, approved February 12, 1855,.....	282
132.	An act to organize certain townships in the county of Ottawa, approved February 12, 1855,.....	284
133.	An act to authorize the formation of corporations for building and leasing houses and other tenements, approved February 12, 1855,.....	285
134.	An act to provide for the payment of the expenses of the State government, approved February 12, 1855,.....	285
135.	An act to confirm certain sales of land, approved February 13, 1855,.....	286
136.	An act to incorporate the village of East Saginaw, approved February 13, 1855,.....	287
137.	An act to amend the charter of the Detroit, Romeo and Port Huron Railroad Company, approved February 13, 1855,.....	297
138.	An act to authorize the Michigan Southern Railroad Company to consolidate with the Northern Indiana Railroad Company, approved February 13, 1855,.....	300
139.	An act to amend an act entitled "an act to authorize the sale of the Central Railroad, and to incorporate the Michigan Central Railroad Company," approved March 28, 1846; approved February 13, 1855,.....	304

No.	Title	Page.
140.	An act to authorize the consolidation of the Detroit and Pontiac and the Oakland and Ottawa Railroad Companies, so as to form a continuous line from Detroit to Lake Michigan, under the name of the Detroit and Milwaukee Railway Company, approved February 13, 1855,.....	305
141.	An act to establish a State road in the county of Saginaw, Tuscola, Lapeer and Genesee, approved February 13, 1855,.....	306
142.	An act to re-arrange the Senate Districts in this State, approved February 13, 1855,.....	309
143.	An act to provide for the collection of taxes in the township of Marquette in the county of Marquette, for the year eighteen hundred and fifty-four, and to extend the time for the collection of the same, approved February 13, 1855,.....	312
144.	An act to define the boundary between Lapeer and Tuscola counties, approved February 13, 1855,.....	313
145.	An act concerning churches and religious societies, establishing uniform rules for the acquisition, tenure, control and disposition of property conveyed or dedicated for religious purposes, and to repeal chapter fifty-two of the revised statutes, approved February 13, 1855,.....	313
146.	An act to amend an act entitled "an act to incorporate the Plymouth and Dearborn Plank Road Company," approved March 20th, 1850; approved February 13, 1855,.....	321
147.	An act to incorporate the city of Flint, approved February 13, 1855,.....	322
148.	An act to provide for the construction of train railways, approved February 13, 1855,.....	338
149.	An act to oblige the owners or occupiers of mills or other water works to keep bridges over their races crossing public highways, approved February 13, 1855,.....	347
150.	An act to organize the town of Iron, in the county of Marquette, approved February 13, 1855,.....	348
151.	An act to organize the township of Coe, in the county of Isabella, approved February 13, 1855,.....	348
152.	An act to organize the township of Allison, in the county of Lapeer, approved February 13, 1855,.....	349
153.	An act to revise an act entitled "an act to provide for the removal of the State Land Office to the seat of government," approved March 31st, 1840; approved February 13, 1855,.....	349
154.	An act to revive and re-enact section 18 of chapter 94 of the revised statutes of 1846, approved February 13, 1855, .....	352

## LIST OF ACTS.

xiii

No.	Title.	Page.
155.	An act to amend sections four, five and eight of an act to incorporate the city of Monroe, approved March 22, 1837; also, to amend an act entitled "an act to incorporate the city of Monroe," approved February 16, 1842; also, to amend an act entitled "an act to amend an act to incorporate the city of Monroe, and certain acts amendatory thereto, approved March 30, 1849; approved February 13, 1855,.....	352
156.	An act to incorporate the village of Sturgia, approved February 13, 1855,.....	356
157.	An act to provide for the location of the seat of justice of the county of Isabella, approved February 13, 1855,.....	367
158.	An act to amend an act entitled an act to incorporate the Port Huron and Lake Michigan Railroad Company, approved January thirtieth, one thousand eight hundred and forty-seven; approved February 13, 1855,.....	368
159.	An act to confer certain powers upon mining companies, approved February 13, 1855,.....	391
160.	An act to incorporate the village of Hastings, approved February 13, 1855,.....	392
161.	An act to incorporate the village of Three Rivers, approved February 13, 1855,.....	403
162.	An act to protect the rights and liberties of the inhabitants of this State, approved February 13, 1855,.....	413
163.	An act to prohibit the use of the common jails and other public buildings in the several counties for the detention of persons claimed as fugitive slaves, approved February 13, 1855,.....	415
164.	An act to amend section fifty-seven of chapter ninety of the revised statutes of 1846, approved February 13, 1855,.....	416
165.	An act to authorize Isaac Turner to purchase the south half of lot number two, section twenty-five, town seven north, of range twelve west, approved February 13, 1855,.....	417
166.	An act for the relief of purchasers of and settlers on swamp lands, approved February 13, 1855,.....	418
167.	An act to amend an act entitled an act to incorporate the Genesee and Oakland Railroad Company, approved February 13, 1855,.....	419
168.	An act relative to the rights of married women, approved February 13, 1855,.....	420
169.	An act to amend an act entitled "an act to incorporate the city of Detroit Gas Light Company," approved February 13, 1855,.....	420
170.	An act to re-organize the county of Emmet, approved February 13, 1855,.....	421

## LIST OF ACTS.

No.	Title.	Page.
171.	An act to organize the counties of Manistee, Mason and Oceana, approved February 13, 1855,.....	423
172.	An act to change the name of the Lake Superior Mining Company of Eagle River, approved February 13, 1855,.....	426
173.	An act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled "of courts held by justices of the peace," approved February 13, 1855,.....	426
174.	An act to prevent the wrongful taking, detaching from the ground or injuring any fruit tree, shade tree, ornamental shrub, plant, vine or vegetable, approved February 14, 1855,.....	479

## JOINT RESOLUTIONS.

No.	Title.	Page.
1.	Joint resolution relative to the claim of Jonas H. Titus, approved January 12, 1855,.....	481
2.	Joint resolution of instruction to the Agent and Inspectors of the State Prison, approved January 17, 1855,.....	481
3.	Joint resolution relative to the printing of a manual, approved January 19, 1855,.....	482
4.	Joint resolution for the relief of certain purchasers of University lands, approved January 20, 1855,.....	482
5.	Joint resolution for the relief of certain purchasers of University lands, approved January 26, 1855,.....	483
6.	Joint resolution respecting slavery in the Territories of the United States, approved January 26, 1855,.....	483
7.	Joint resolution relative to United States Military Reservations in the State of Michigan, approved February 2, 1855,.....	485
8.	Joint resolution relative to the distribution of the session laws, journals and documents of the Legislature, for the year eighteen hundred and fifty-five, approved February 7, 1855,.....	486
9.	Joint resolution relative to certain appropriations of public lands, made by the Legislature in the year 1848, approved February 10, 1855,.....	486
10.	Joint resolution relative to the claim of John Van Fossen against the State of Michigan, approved February 10, 1855,.....	487
11.	Joint resolution relative to the claim of the State against Peter Holmes and others, approved February 10, 1855,.....	487



## JOINT RESOLUTIONS.

xv

No.	Title.	Page.
12.	Joint resolution relative to the construction of a Ship Canal around the Falls of Niagara, approved February 10, 1855,.....	488
13.	Joint resolution relative to an exchange of lots with the First Baptist Church and Society of Lansing, approved February 10, 1855,.....	489
14.	Joint resolution relative to an exchange of lots with the First Presbyterian Society of Lansing, approved February 10, 1855,.....	489
15.	Joint resolution authorizing the settlement of the claim of Morse K. Taylor, growing out of the raising, subsisting, and mustering into service, the Michigan Volunteer Regiment for the war with Mexico, approved February 12, 1855,.....	490
16.	Joint resolution relative to a claim of the State of Michigan against Chippewa county for State tax, approved February 12, 1855,.....	490
17.	Joint resolution for the relief of Oliver M. Hyde, approved February 12, 1855,.....	491
18.	Joint resolution for the relief of George Matthews, approved February 12, 1855,.....	491
19.	Joint resolution for the relief of Robert Howlett, approved February 12, 1855,.....	492
20.	Joint resolution for the relief of Alexander R. Tiffany, of the county of Lenawee, approved February 12, 1855,...	492
21.	Joint resolution authorizing the Secretary of State to issue patents for certain parcels of school lands to David Whitney, approved February 12, 1855,.....	493
22.	Joint resolution authorizing the Commissioner of the St. Mary's Falls Ship Canal to locate the track of the Chippewa Portage Company, approved February 12, 1855,.....	493
23.	Joint resolution instructing the Attorney General to institute legal proceedings in behalf of the State, respecting certain State Building lands, approved February 12, 1855,.....	494
24.	Joint resolution authorizing the Commissioner of the State Land Office to issue a new certificate of certain Normal School lands, approved February 12, 1855,.....	494
25.	Joint resolutions in relation to the renewal or extension of certain patents, approved February 12, 1855,.....	495
26.	Joint resolution relative to the claim of Andrew Harvie, approved February 12, 1855,.....	495
27.	Joint resolution to authorize school district number seven, in the township of Tecumseh, to loan money, approved February 12, 1855,.....	495
28.	Joint resolution authorizing the Board of State Auditors to allow certain claims against the State, approved February 12, 1855,.....	496

## JOINT RESOLUTIONS.

No.	Title.	Page.
29.	Joint resolution relative to new certificates for primary school lands, approved February 12, 1855,.....	497
30.	Joint resolution for the relief of Eliza Mariah and Joseph Dutcher, approved February 13, 1855,.....	497
31.	Joint resolution instructing the Board of State Auditors relative to cancelling the excess of interest account against Mackinac county, approved February 13, 1855,.....	497
32.	Joint resolution for the relief of the heirs of Beaumont Clark, approved February 14, 1855,.....	498

# LAWS OF MICHIGAN.

[ No. 1. ]

AN ACT to provide for taking the Census of Saginaw County.

SECTION 1. *The People of the State of Michigan enact*, That the Governor be, and hereby is authorized to appoint a Commissioner, with one or more Assistants, whose duty it shall be to take the Census of Saginaw County. Commissioner and Assistants.

Sec. 2. The Commissioner, when so appointed, shall take and subscribe the constitutional oath, and shall proceed forthwith to take the census of said county, in the same manner and form as provided in an act entitled "an act to provide for taking the census and statistics of this State," approved February 9th, 1853. Oath and duty.

Sec. 3. The Commissioner shall make his returns to the clerk of said county, who shall forthwith transmit a copy of the same to the office of the Secretary of State. Returns, where made.

Sec. 4. The Commissioner shall be allowed, for every one hundred names returned by him, two dollars, to be paid by the county treasurer of the county of Saginaw, as provided in section eight of the foregoing named act, and in addition thereto he shall be allowed two dollars, for every one hundred names returned by him, to be audited and paid by the Board of State Auditors, which shall be in full compensation for services rendered by him as such Commissioner. Compensation.

This act shall take effect immediately.

Approved January 12, 1855.

[ No. 2. ]

AN ACT to provide for the payment of the members and officers and incidental expenses of the Legislature.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there be appropriated out of any money in the treasury, to the credit of the general fund, a sum not exceeding twenty thousand dollars, for the payment of the members and officers of the Legislature.

Compensation of members & officers of Legislature.

Sec. 2. The compensation of the President and members of the Senate, and the Speaker and the members of the House of Representatives, shall be three dollars per day, for actual attendance and when absent on account of sickness, for the first forty days of the session, and

Travel.

ten cents for every mile actually traveled in going and returning from the place of meeting, on the usually traveled route, and to the members of the Senate and House from the Upper Peninsula, two dollars per day additional, for the first forty days of the session. Each member of

Stationery.

the Senate and House of Representatives shall also be entitled to receive five dollars for newspapers and stationery. The compensation of the Secretary, Engrossing and Enrolling Clerk, and Assistant, if one should be employed, and Sergeant-at-Arms, and Assistant Sergeant-at-Arms of the Senate, and of the Clerk, Engrossing and Enrolling Clerk, and Assistant, if one should be employed, and Sergeant-at-Arms of the House of Representatives, and of the Reporters of either House, and of the clerks employed with the consent of either the Senate or House of Representatives, or by any of the standing or special committees of either of said Houses, shall be three dollars per day for actual attendance during the session. The compensation of the firemen of the Senate and of the House of Representatives shall be two dollars per day for actual attendance, during the session. The compensation of the messengers of the Senate and House of Representatives, shall be one dollar and fifty cents per day for actual attendance, during the session.

Firemen.

Messengers.

How certified.

Sec. 3. Such sums as may be due to the Secretary of the Senate and the Clerk of the House of Representatives, shall be certified by the presiding officer of the respective Houses, and countersigned by the Auditor General; such sums as may be due the President of the Senate and the Speaker of the House of Representatives, shall be certified by the Secretary or Clerk of the respective Houses, and countersigned by the Auditor General; and such sums as may be due the members and other

officers of either House, shall be certified by the Secretary or Clerk, and countersigned by the presiding officer of the respective Houses; and the State Treasurer, upon the presentation of any such certificates, countersigned as provided in this section, is hereby authorized and directed to pay the same.

Sec. 4. No clerk shall be employed by any standing or select committee, except by the consent of the Senate or the House of Representatives.

This act shall take effect immediately.

Approved January 16, 1855.

[ No. 3. ]

AN ACT to amend sections thirteen and fifteen of an act entitled "an act relative to Free Schools in the city of Detroit," approved February 17th, one thousand eight hundred and forty-two.

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of "an act relative to Free Schools in the city of Detroit," be amended so as to read as follows: "Section 13. The common council of said city are hereby authorized, once in each year, to assess and levy a tax on all the real and personal property in said city, according to the city assessment rolls of that year, which shall not exceed two dollars for every child in said city between the ages of four and eighteen years, the number of children to be ascertained by the last report on the subject, on file in the office of the clerk of the county of Wayne, or in the office of the Secretary of said Board of Education, and certified by the President thereof; and the said tax shall be collected in the same manner as the moneys raised to defray the general expenses of said city; all said money shall be disbursed by the authority of said Board, for the maintenance and support of said schools, and for no other purpose. The said Board of Education shall have authority to establish a high school in said city, and also to appoint a Superintendent of the Public Schools, under the charge of said Board, with such salary and with such powers and duties as shall be prescribed by said Board of Education."

Tax,  
how levied  
& assessed.

How col-  
lected.

Authority  
of Board of  
Education.

Sec. 2. Also that section fifteen of the same act be amended so that said section as amended, shall read as follows: "Sec. 15. The collector

Duty of Col-  
lector,

Report,  
when made.

Neglect, or  
refusal to  
pay over  
moneys.

Warrant to  
issue.

Return of  
warrant.

of said city, when he shall have paid any school money to said treasurer or other person, shall take a receipt therefor, and file the same with the clerk of said Board; and it shall be the further duty of the collector, when he shall have made his final return concerning the collections of school tax, to make a report to said Board, stating the whole amount of school tax, the amount collected, and the amount returned by him to the common council as unpaid or uncollected. If any collector shall neglect or refuse to pay to said treasurer, the sums of money required by his warrant, or to account for the same as unpaid, at the time and in the manner required by law, the recorder of the city of Detroit, or the president of the Board of Education of said city, shall forthwith issue a warrant under his hand, directed to the sheriff of said county, commanding him to levy such sums as shall remain unpaid and unaccounted for, together with his fees for collecting the same, of the goods and chattels, lands and tenements of such collector and his sureties, and to pay the same to the treasurer of said Board of Education, and return such warrant within twenty days after the date thereof."

Sec. 3. This act shall take effect and be in force, from and after its passage.

Approved January 20, 1855.

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[ No. 4. ]

AN ACT to enlarge the powers of School District number eleven, in the city and township of Ann Arbor, in the county of Washtenaw.

To designate  
sites  
for school  
houses.

SECTION 1. *The People of the State of Michigan enact*, That the qualified voters of school district number eleven, in the city and township of Ann Arbor, in the county of Washtenaw, as said district is now or may hereafter be organized, shall have power to designate sites for as many school-houses, including a union high-school, as they may think proper, by a vote of two-thirds of the legal voters present, at any regular meeting, and to direct the district board to purchase such site or sites as may have been, or as shall be thus designated, and to erect suitable buildings thereon, for educational purposes, and to raise money by tax upon the property within the said district, in the usual manner, to pay for such site or sites, and for such building or buildings, and for furnishing the same.

Sec. 2. The district board of said district, shall have the power to fix <sup>Powers of district board.</sup> the amount of tuition to be paid by non-resident scholars attending any of the schools in said district, and to fix and determine the amount of tuition to be paid by scholars attending the union high-school in said district, and to make and enforce suitable by-laws and regulations for the government and management of said union high-school, and for the preservation of the property of said district.

Sec. 3. No alteration shall be made in the boundaries of said school <sup>Boundaries.</sup> district, without the written consent of a majority of the district board of said district.

Sec. 4. Said school district shall have power to borrow money to <sup>May borrow money.</sup> pay for a site for buildings for a union high-school, to erect suitable buildings thereon, and to furnish the same, by a vote of two-thirds of the qualified voters of said district present at any two regular meetings, one of which shall be an annual meeting, and to raise money by tax on <sup>Raise tax to pay.</sup> the taxable property of the inhabitants of said district, to pay any money thus borrowed, and the interest thereon.

Sec. 5. This act shall take effect immediately.

Approved January 20, 1855.

[ No. 5. ]

AN ACT to change the name of Alvah H. Bull, George W. Bull, Philo Bull, Ransom Bull, John Bull, Russell Bull, Hiram Bull, and Albert Bull.

SECTION 1. *The People of the State of Michigan enact, That the name of Alvah H. Bull, George W. Bull, Philo Bull, Ransom Bull, John Bull, Russell Bull, Hiram Bull, and Albert Bull, be and the same are hereby changed, Alvah H. Bull, to Alvah H. Bradley, George W. Bull, to George W. Bradley, Philo Bull, to Philo Bradley, Ransom Bull to Ransom Bradley, John Bull, to John Bradley, Russell Bull, to Russell Bradley, Hiram Bull, to Hiram Bradley, and Albert Bull, to Albert Bradley.*

This act shall take effect immediately.

Approved January 26, 1855.

## LAWS OF MICHIGAN.

[ No. 6. ]

AN ACT to change the name of Elizabeth Alger.

SECTION 1. *The People of the State of Michigan enact*, That the name of Elizabeth Alger, a minor, and daughter of Joseph Alger, deceased, of the county of St. Joseph, be and the same is hereby changed to Elizabeth Strong.

Sec. 2. This act to take effect immediately.

Approved January 26, 1855.

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[ No. 7. ]

AN ACT to change the name of the township of Antrim, in the County of Grand Traverse.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Antrim, in the territory attached to the county of Grand Traverse be, and the same is hereby changed to Me-geezee.

Sec. 2. This act shall take effect immediately.

Approved January 29, 1855.

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[ No. 8. ]

AN ACT to extend the time for the collection of taxes in the township of Brookfield, for the county of Eaton, and to legalize the assessment roll for said township for the year one thousand eight hundred and fifty-four.

Assessment  
roll legal-  
ized.

SECTION 1. *The People of the State of Michigan enact*, That the assessment roll for the township of Brookfield, in the county of Eaton, for the year A. D. one thousand eight hundred and fifty-four, is hereby declared to be as valid and legal to all intents and purposes as though the same had been made out and delivered to the treasurer of said township, or the sheriff of said county of Eaton, at the time and in the manner now prescribed by existing laws.

Sec. 2. The treasurer of said township of Brookfield, or the sheriff of said county, or either of them, are hereby authorized and empowered to receive said assessment roll of said township for the year



above named, and collect the taxes thereon and pay the same over as Collection. mentioned in said assessment roll: *Provided*, That said treasurer before *Proviso.* being entitled to receive the said assessment roll, shall procure and deliver to the supervisor of said township, a certificate in writing, from the treasurer of said county, showing that he has deposited with said county treasurer a good and sufficient bond for faithfully paying over the money Bond. in said assessment roll specified, as therein mentioned.

Sec. 3. The time for collecting the taxes in said assessment roll men- Time ex- tioned, and paying them over as therein mentioned, is hereby extended to tended. the first day of April, A. D. one thousand eight hundred and fifty-five.

Sec. 4. The sheriff or treasurer aforesaid shall, within five days after the said first of April, A. D. one thousand eight hundred and fifty-five, make return to the county treasurer of said county of Eaton, of the unpaid taxes in said township for the year one thousand eight hundred and fifty-four, in the same manner as provided by law, and the said county treasurer shall have the same length of time thereafter to make return thereof to the Auditor General, and the same proceedings shall be had thereon in all respects, as are now prescribed by law. Return of taxes.

Sec. 5. This act shall take effect immediately.

Approved January 30, 1855.

[ No. 9. ]

AN ACT to organize the township of Greenland, and define the boundaries thereof, and other purposes.

SECTION 1. *The People of the State of Michigan enact*, All that part of the County of Ontonagon, known and designated as town fifty-one north, range thirty-eight west, be and the same is hereby set off and organized into a separate township, by the name of Greenland, and the first township meeting shall be held at the office of the Toltec Consolidated Mining Company in said township, on the first Tuesday in April next. Township of Greenland organized. First township meeting, when held.

Sec. 2. Section two of an act entitled an act to organize certain townships in the county of Ontonagon, approved February third, A. D. one thousand eight hundred and fifty three, is hereby repealed. Repeal.

Sec. 3. This act shall take effect immediately.

Approved January 30, 1855.

## LAWS OF MICHIGAN.

[ No. 10. ]

AN ACT to provide for the collection of taxes in the several townships in the county of Ontonagon, for the year one thousand eight hundred and fifty-four, and to extend the time of collection thereof.

Tax roll legalized.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the several townships of the county of Ontonagon, for the year one thousand eight hundred and fifty-four, be and the same is hereby declared to be as valid and legal as if the same had been made and delivered to the township treasurer at the time prescribed by law.

Bonds.

Sec. 2. That the several township treasurers file their bonds as required by law, within five days after the reception of said roll, and before he proceeds to the collection of the taxes. ~~1855~~

Time extended.

Sec. 3. That the time for the collection of said taxes be extended to the first day of June next, and that the said treasurers make returns as provided by law in other cases, on or before the tenth day of June next, and the county treasurer of said county shall make return as in other cases, within thirty days from the time of the returns made by the treasurers.

Returns.

Sec. 4. This act shall take immediate effect.

Approved January 30, 1855.

[ No. 11. ]

AN ACT to extend the time for the collection of taxes in the several townships of Emmet, Clyde, St. Clair and Port Huron, in the county of St. Clair.

Time extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes for the year eighteen hundred and fifty-four, in the several townships of Emmet, Clyde, St. Clair and Port Huron, in the county of St. Clair, be and the same is hereby extended until the first Monday of March next.

Duty of treasurers.

Sec. 2. The treasurers of the several townships herein named, are hereby authorized and empowered to proceed and collect said taxes as fully as they could do during the lifetime of their warrants, and make their returns at any time before the first Monday in March next.

Ibid.

Sec. 3. It shall be the duty of the several treasurers of the townships herein named, before they shall be entitled to the benefits of this

act, to pay over all moneys collected as provided by law, and to renew their several official bonds to the satisfaction of the several supervisors, of the several townships herein named.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and fifty-four duly returned to the Auditor General for non-payment.

Transcript of unpaid taxes; how returned.

Sec. 5. This act shall take immediate effect.

Approved February 1, 1855.

[ No. 12. ]

AN ACT to extend the time for the collection and return of taxes in the town and in the city of Ann Arbor, in the county of Washtenaw.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection and return of taxes in the town and also in the city of Ann Arbor, for the year one thousand eight hundred and fifty-four, is hereby extended to the second Monday in April next.

Time extended.

Sec. 2. The treasurers of the town and of the city of Ann Arbor, are hereby authorized to proceed and collect said taxes as fully as they might have done during the lifetime of their respective warrants for that purpose, and to make their respective returns on or before the said second Monday in April aforesaid, and said warrants are continued in full force for said purpose.

Duty of treasurers.

Sec. 3. It shall be the duty of the treasurers aforesaid, before they or either of them shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as now provided by law, and to renew their respective official bonds to the satisfaction of the treasurer of the county of Washtenaw.

Ibid.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General, as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the

Transcript of unpaid taxes; how returned.

Interest; how computed.

same time, as other taxes for the year one thousand eight hundred and fifty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 1, 1855.

[ No. 13. ]

AN ACT to extend the time for the collection and return of taxes in the townships of Muskegon, Wright and White River, in the county of Ottawa.

Time extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the townships of Muskegon, Wright and White River, in the county of Ottawa, for the year eighteen hundred and fifty-four, is hereby extended to the third Monday of March next.

Duty of sheriff.

Sec. 2. The sheriff of said county is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the lifetime of the warrants for the collection thereof, and make his returns at any time on or before the third Monday of March next; and the said warrants are hereby continued in full force and virtue for the purposes mentioned, until the said third Monday of March next.

Warrant continued in force.

Sheriff to execute bond.

Sec. 3. It shall be the duty of said sheriff before he shall be entitled to the benefits of this act, to execute to the county treasurer of said county and his successors in office, a bond in double the amount of State and county taxes apportioned to said townships, with sufficient sureties to be approved by said treasurer, conditioned that he shall duly and faithfully perform the duties of his office and shall deliver the same to the said treasurer.

Transcript of unpaid taxes; how returned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest from the same time, as other taxes for the year eighteen hundred and fifty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 1, 1855.

[ No. 14. ]

AN ACT for the relief of certain purchasers of primary school lands.

SECTION 1. *The People of the State of Michigan enact, That* Description.  
 Samuel B. Spencer, of the county of Macomb, assignee of the purchaser of the north-west quarter of the south-west quarter, and the south-west quarter of the north-west quarter of section sixteen, in township five north, of range twelve east, in the county of Macomb aforesaid, which land is described in certificate number one thousand eight hundred and fifteen, and issued to Marvil Shaw, by the Commissioner of the State Land Office, and dated the seventh day of February, one thousand eight hundred and forty-six, is hereby authorized to pay the amount of interest in arrears on said land, on or before the first day of May next.

Sec. 2. Upon the payment of the amount of interest in arrears on New certificate.  
 said lands, as aforesaid, such payment shall operate as a redemption of the rights of all parties in said land under said certificate; and the Commissioner of the State Land Office is hereby authorized and required, upon the payment as aforesaid, and the surrender and canceling of said certificate, to issue one or more new certificates to the said Samuel B. Spencer, or to his heirs or assigns, at his or their request.

Sec. 3. This act shall take immediate effect.

Approved February 2, 1855.

[ No. 15. ]

AN ACT to provide for the appointment of Circuit Court Commissioners in cases of vacancy.

SECTION 1. *The People of the State of Michigan enact, That*  
 whenever a vacancy shall occur, for any cause, in the office of Circuit Court Commissioner in any county entitled thereto, the judge of the vacancy, how filled.  
 circuit court in and for said county, if the same is situated in the Lower Peninsula, or the district judge, if such vacancy occur in the Upper Peninsula, may fill such vacancy by the appointment of a person eligible to such office, who shall be authorized and required to discharge all the legal duties of a circuit court commissioner, and shall be liable to all the provisions of law touching said office, and who shall hold the same until a successor may be duly elected and qualified.

Pending  
proceed-  
ings.

Sec. 2. In cases where legal proceedings may have been pending before a circuit court commissioner, and undetermined at the time such vacancy shall occur, the same may be continued, adjudged and determined by and before the circuit court commissioner so appointed and qualified in the manner and with the like effect, as if no such vacancy had happened.

Sec. 3. This act shall take immediate effect.

Approved February 2, 1855.

[ No. 16. ]

AN ACT to organize the county of Gratiot.

County of  
Gratiot or-  
ganized.

SECTION 1. *The People of the State of Michigan enact*, That the county of Gratiot shall be organized, and the inhabitants thereof entitled to all the rights and privileges to which, by law, the inhabitants of the other organized counties of this State are entitled.

Election of  
Co. officers.

Sec. 2. There shall be elected in the said county of Gratiot, on the first Tuesday in November, in the year one thousand eight hundred and fifty-five, all the several county officers to which by law the said county is entitled; and said election shall, in all respects, be conducted and held in the manner prescribed by law for holding elections for county and State officers: *Provided*, That the county officers so to be elected shall be qualified and enter upon the duties of their respective offices on the first Monday of January, one thousand eight hundred and fifty-six, and whose constitutional term of office will expire at the time prescribed by the general law.

Term of  
office.

Canvassers.

Sec. 3. The board of canvassers of said county, under this act, shall consist of the presiding inspectors of elections from each township therein; and said inspectors shall meet at the place where the said election shall be held, in the township of Pine River, on the first Tuesday after the election, and organize by appointing one of their number chairman, and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and State officers.

Sec. 4. The sheriff, county clerk, and county treasurer of said county, to be elected as provided for in this act, shall designate a suitable place

in the township of Pine River, for holding the circuit court in said county; they shall also designate suitable places in the same township, (as near as practicable to the place designated by them for holding the circuit court in said county,) for holding the offices of the sheriff, county clerk, county treasurer, register of deeds, and judge of probate of said county, until the county seat for said county shall be established, and shall make and subscribe a certificate in writing, describing the place thus designated, which certificate shall be filed and safely preserved by the county clerk; and after such certificate shall be thus filed, the places thus designated shall be the places of holding the circuit court and county offices, until the board of supervisors shall establish the county seat of said county, and until suitable accommodations shall be provided for said court and county offices at the county seat; and it is hereby made the duty of the board of supervisors of said county, on or after the year one thousand eight hundred and sixty, to designate and establish the county seat of said county.

Officers to designate place of holding court and offices.

Certificate, where filed.

County seat to be located.

Approved February 3, 1855.

[ No. 17. ]

AN ACT to prevent the Manufacture and Sale of Spirituous or Intoxicating Liquors as a Beverage.

SECTION 1. *The People of the State of Michigan enact*, That no person shall be allowed to manufacture or sell at any time, by himself, his clerks, servant or agent, directly or indirectly, any spirituous or intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating, except as hereinafter specified.

Prohibition.

Sec. 2. All payments for such liquors hereafter sold in violation of law, shall be considered as having been received without consideration; and against law and equity, and any money or thing paid therefor may be recovered back by the person so paying the same, his wife or any of his children; and all sales, transfers, grants, releases, quit claims, surrenders, mortgages, pledges, and attachments of real or personal estate, and liens and securities thereon, of whatever name or nature, and all contracts or agreements relating thereto hereafter made, the consideration whereof, either in whole or in part, shall have been the sale, or

Payments for liquors may be recovered back.

All contracts and securities founded on certain sales void.

Except to  
*bona fide*  
purchasers,  
or *bona fide*  
holders of  
negotiable  
paper.

agreement to sell any such liquor, shall be utterly null and void, against all persons and in all cases, excepting only, as against the holders of negotiable securities or the purchasers of property, who may have paid therefor a fair price and received the same upon a valuable and fair consideration, without notice or knowledge of such illegal consideration; nor shall any suit at law, or in equity, be had or maintained, upon any contract or agreement whatever hereafter made, the consideration whereof shall be either wholly or in part, the sale of such liquors in violation of law, excepting only when such suit is brought, by such *bona fide* holders of negotiable paper, or purchaser of property without notice, nor shall any demand arising upon any such contract or agreement whatever, be offered or allowed as a set-off or defence in any action whatever.

Penalty for  
selling.

Second con-  
viction.

Proviso.

Proviso.

Sec. 3. If any person by himself, his clerk, agent or servant shall, directly or indirectly, sell, or keep for sale contrary to law, any such liquor, he shall forfeit and pay, on the first conviction, ten dollars and the cost of suit or prosecution, and shall be at once committed to the common jail of the county, until the same be paid. On the second conviction for the like offence, he shall forfeit and pay twenty dollars, and the cost of suit or prosecution, and shall be committed as aforesaid until the same be paid; on the third and every subsequent conviction, he shall forfeit and pay one hundred dollars and costs; and shall in addition to such forfeiture, be imprisoned in such jail not less than three nor more than six months: *Provided*, That on a first or second conviction, such person shall not be held committed for more than two months from the date of the conviction: *Provided*, That it shall in no case be any defence, that the person has been before convicted one or more times, but he may be prosecuted at any time, or any number of times, as for a first offence, if the several prosecutions are for distinct offences.

Penalty for  
selling or  
manufactur-  
ing.

Proviso.

Sec. 4. Every person who shall be a common seller, by himself, his clerk, agent or servant, of any such liquors, and every person who shall be a manufacturer thereof, shall on each conviction, forfeit and pay double the amount specified in the last preceding section, with the costs of suit or prosecution; and on the two first convictions, he shall be committed to such common jail until the same be paid, and on the third or any subsequent conviction, he shall, in addition to the forfeiture, be imprisoned in such jail for six months: *Provided*, That a person con-



victed under this section shall not, on either a first or second conviction, be held committed for more than three months from the date of the conviction.

Sec. 5. Notwithstanding such commitment, or such imprisonment, provided for in the two last preceding sections, the sum so adjudged against the person convicted, and such costs, shall be and remain a valid judgment, upon which execution may issue against his property. Judgment & costs to be paid notwithstanding imprisonment.

Sec. 6. No person shall be deemed to have or acquire any legal property or ownership in any such liquor intended to be sold in violation of law, or in any casks or vessels containing them; but the same shall be deemed a public nuisance, and the person keeping the same, may be proceeded against as in other cases of nuisance. And in addition to his liability as for a nuisance, such person shall be held liable to forfeit and pay the sum of twenty-five dollars with costs of prosecution, for every such offence, and such liquors so kept for sale, and any casks or vessels containing the same, shall be forfeited. The forfeiture under this section shall be recovered in the same manner as those under sections three and four of this act, and the forfeiture of such liquors with the casks and vessels, shall be part of the judgment of the court: *Provided*, That the same shall have been seized upon a warrant for that purpose: *Provided*, That no person shall be punished as for a nuisance, and also proceeded against for such forfeiture, for the same offence. Liquor kept for sale contrary to law, declared a nuisance. Forfeiture, how recovered.

Sec. 7. When complaint shall be made upon oath to any magistrate authorized to issue warrants in civil or criminal cases, that said complainant does verily believe that any person has in his possession, or under his control, with intent to sell the same contrary to law, in any particular house or place, any spirituous or intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating, such magistrate shall, if he find probable cause to believe such complaint to be true, issue a warrant to search for such liquors; but every complaint shall state the facts and circumstances fully, upon which such belief is founded, that the magistrate may the better judge of the existence of such probable cause; and such complaint shall also describe the place to be searched, and the articles to be searched for. Every such warrant shall be directed to the sheriff, or any constable of the county, or the marshal or other officer of any city or village, commanding such officer to search, in the day time, the house or place described in such complaint, Duty of magistrate, upon complaint being made. Search warrant to issue. Facts and circumstances must be stated. Contents of the warrant.

which place shall be described in the warrant, and the articles to be searched for shall be described as near as may be therein, and to take and keep such articles, if any be found and seized, in some safe and convenient place, to abide the order of the court; but no dwelling-house shall be searched under any such warrant, unless there shall have been offered to such magistrate positive proof, under oath, of a sale, within thirty days immediately preceding, either upon such premises, or from liquors kept therein for the purpose of sale. When any officer, in the execution of such search warrant, shall seize any such liquor, and any such casks and vessels, he shall safely keep the same so long as shall be necessary, for the purpose of being produced or used in evidence on any trial, or until the person in whose possession or under whose control they may have been found shall have been tried, upon any suit or prosecution that may have been commenced against him, for so keeping or having such liquors contrary to the provisions of this act, when, or as soon as may be thereafter, the same shall be restored to such person, if he be acquitted; but if he be convicted of keeping or having such articles so seized for sale, such liquor shall be destroyed pursuant to the written order of the court, and any casks or vessels in which the same was found, shall be sold under the direction of the court which may have tried such person, or of the magistrate who issued such search warrant; and the money arising from the sale of any such casks or vessels, shall be paid over for the same uses as the fine or forfeiture adjudged against such party. It shall be the duty of the court so issuing said warrant to afford the person against whom or whose property the same issued, a speedy trial for any offence charged therein, or in the complaint on which the same was founded, or for keeping said liquor, and the prosecution, on the return of such warrant, shall forthwith make or file a declaration against such person, and it shall be the duty of the officer serving said warrant to notify the prosecutor of its return.

Sec. 8. Any justice of the peace of the county, or any municipal or police court of any city or village, shall have jurisdiction and authority to hear, try and determine all cases arising under this act, occurring in any part of the county in which said justice resides, or in which such court sits, except for a breach of the recognizance specifically mentioned in section twelve, (of which the circuit court shall have jurisdiction.) The suit shall be brought in the name of the people of the State of

Dwelling not  
to be search-  
ed without  
positive  
proof.

Duty of the  
officer serv-  
ing search  
warrant.

When li-  
quor to be  
destroyed.

A speedy  
trial to be  
afforded.

Jurisdic-  
tion, &c.

Suit, how  
brought.

Michigan, in an action of debt, and may be instituted by any person who is a resident of such county; and all parties to any such proceedings shall be competent witnesses in the case, except the defendant therein. Such suit may be instituted by the prosecuting attorney of the proper county; and it shall be the duty of the common council, attorney or alderman of any city, the board of trustees of any village, and each one of them, and of the supervisor of any township, when any offence under the provisions of this act shall have been committed, who shall have knowledge thereof, or reasonable evidence by affidavit, thereof, served upon him, to institute such suit without delay.

Who may commence suit.

Sec. 9. Whenever a complainant is required by the provisions of this act, to state facts and circumstances for the information of any court or magistrate to whom such complaint is made, and he shall be unable of his own knowledge to state sufficient facts and circumstances to authorize the issuing of a warrant, such court or magistrate may after the making of any such complaint issue subpoenas directed to, and compel in the usual manner, the attendance of witnesses, who may be required to testify to the best of their knowledge concerning such facts and circumstances.

Witnesses may be required to testify on complaint.

Sec. 10. Any suit under this act may be commenced by summons or by warrant before any justice of the peace, or any municipal or police court, and all the proceedings of law relative to process and proceedings in justices' courts, in civil actions, and all other provisions of law applicable to such cases, not repugnant to this act, shall, so far as may be, apply to all the proceedings therein; but it shall not be necessary to pay or tender any fees to any witness subpoenaed in any case arising under the provisions of this act; and if such witness shall neglect or refuse to obey such subpoena, an attachment may issue against him as in other cases. It shall not be necessary for either party to advance any jury fees before the rendition of judgment in such cases, or in any case arising under this act.

Suit may be commenced by summons or warrant.

Witness or jury fees need not be tendered.

The following form of complaint shall be sufficient to authorize the issuing of a warrant against person or persons complained of, to wit:

Form of  
complaint.

STATE OF MICHIGAN, }  
County of } ss.

\_\_\_\_\_, being duly sworn, says that he is a resident (supervisor &c., as the case may be,) of the (township, village or city,) of \_\_\_\_\_, in said county, and that he verily believes that \_\_\_\_\_ did at \_\_\_\_\_ between the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 18\_\_\_\_, and the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 18\_\_\_\_, not including a period over thirty days, sell certain (spirituous or intoxicating) liquors, in violation of an act entitled "an act to prevent the manufacture and sale of spirituous or intoxicating liquors as a beverage," and such complaint shall also set forth the facts and circumstances upon which such belief is founded.

Facts & cir-  
cumstances  
to be set  
forth.

Kind of li-  
quor need  
not be men-  
tioned.

It shall not be necessary to describe in such complaint, or in the war-  
rant issued thereon, the particular kind of liquor alleged to have been  
sold, or to state whether the offence is the first or any subsequent one, or  
the day on which, or the person to whom such liquor was sold.

Circ't Court  
to have ju-  
risdiction.

And any suit arising under this act may be commenced and prosecu-  
ted within the circuit court of the proper county, in the same manner  
and with the like effect as in other civil cases; and said circuit court shall  
have jurisdiction concurrently with such justices of the peace, municip-  
pal or police court, to hear, try and determine such suit. Such action  
may be commenced in such circuit court by capias, upon filing an affi-  
davit substantially the same as provided in this section, to be made be-  
fore justices of the peace. Before such capias shall issue, a declaration  
shall be filed in said cause, in substance as hereinafter set forth, and a  
copy thereof shall be served upon the defendant at the same time the  
capias is served. Special bail shall be required in double the amount  
claimed in such declaration. Any person authorized to institute or  
commence such suit may appear therein in person, and prosecute the  
same, or may have an attorney or attorneys for such purpose.

Capias.

Special bail  
required.

The declaration herein mentioned may be in the following form,  
to-wit:

Form of de-  
claration.

The circuit court for the county.....  
(or other court, as the case may be.)

County of....., ss. The people of  
the State of Michigan complain of....., in an  
action of debt, and say that the same.....justly  
owes them the sum of.....dollars, for a

forfeiture which he has incurred by selling spirituous or intoxicating liquors, (or for whatever offence the suit may be brought,) at .....  
 ....., in said county, between the .....  
 day of ....., A. D. 18.., and the .....  
 ..... day of ....., A. D. 18.., (including  
 a period of not more than thirty days,) in violation of section .....  
 of an act entitled "an act to prevent the manufacture and sale of spir-  
 ituous or intoxicating liquors as a beverage," wherefore they bring suit.

By ....., prosecutor (or attorney.)

And if such suit shall be brought for a second or subsequent offence, Averment.  
 the following additional averment, in substance, shall be deemed suffi-  
 cient:

And the said people further say that the said .....  
 has heretofore been once (or twice as the case may be,) convicted of the  
 like offence. to-wit: at ....., on the .....  
 day of ....., A. D. 18.., before .....

On the trial of any such cause it shall not be necessary to aver or Proof on  
 prove the sale of any particular kind of liquor by name, or the day on trial.  
 which, or to whom, it was sold; and proof of the manufacture, use or  
 sale or keeping for sale of any mixed liquors shall be construed to be  
 included under the description of spirituous or intoxicating liquors.

Sec. 11. Any forfeiture under this act may be recovered by indict- Forfeiture  
 ment, as for a misdemeanor; and upon conviction, the court shall adjudge may be re-  
 and order the defendant to pay the same sums, to be committed and covered by  
 imprisoned in the same manner, as when the proceeding is by action of indictment.  
 debt; and such judgment, and the execution thereon, shall have the  
 like effect.

Sec. 12. In all actions herein provided for, the prosecutor may take Writs of  
 an appeal, or writ of error in the name of the people of the State of error and  
 Michigan, upon the same terms and conditions as if he was plaintiff; appeals al-  
 and the defendant may likewise take an appeal or writ of error, and lowed.  
 any such appeal or writ of error shall be taken within the same time,  
 upon the same conditions, and in the same manner as in any other civil  
 action: *Provided*, That the defendant, before any appeal or writ of er- Provide.  
 ror shall be allowed or considered as taken, and within the time for  
 taking such appeal or writ of error, in addition to any other act or re-  
 cognizance which may be required by law, shall enter into a recogni-

Recogniz-  
ance of  
defendant.

zance in the sum of two hundred dollars, with two good and sufficient sureties, to the satisfaction of the court from the judgment of which such appeal or writ of error is taken, conditioned that such defendant will not, during the pendency of such appeal or writ of error, violate any of the provisions of this act; which recognizance shall be sent up with the other papers in the case, on an appeal to the circuit court; and in case of a writ of error, it shall be filed with the clerk of the court in which said judgment was rendered. It shall be the duty of the

Duty of pro-  
secuting at-  
torney.

prosecuting attorney of the county to bring a suit for any breach of the recognizance last mentioned, whenever he shall be informed that the condition thereof has been broken; and it shall be his duty to prosecute all suits arising under this act, brought into the circuit court, whether by appeal or otherwise: *Provided*, That he shall in no case have the power to enter a *nolle prosequi* or discontinuance, without leave of the court, and for reasons therefor, presented to the court in writing, and filed in the cause.

Proviso.

Rules and  
practice of  
court same  
as in other  
cases.

Sec. 13. In every court, in actions of debt arising under this act, the powers of the court, the rules of practice, and the trial and other proceedings, shall be the same as in other civil actions, and the costs shall be the same in amount, and taxed in the same manner. In any municipal or police court, the powers of the court and the whole proceedings, shall be the same as in such cases before justices' courts, and whenever the circuit court is mentioned in this act, the district court of the Upper Peninsula shall be considered as equally intended.

Sellers of  
drugs and  
medicines.

Sec. 14. Every seller of drugs and medicines shall be held to be included in all the prohibitions and penalties of this act, against the selling of spirituous or intoxicating liquors, or mixed liquors, a part of which is spirituous or intoxicating, excepting only those persons whose sole or principal business is the selling of drugs and medicines other than intoxicating liquors, who shall in person, and with two or more sufficient sureties, give bond to the people of the State of Michigan, and cause the same to be filed in the office of the county clerk, in the sum of not less than five hundred dollars in any township, or one thousand dollars in any city or incorporated village, where he carries on such business; any partners may execute such bond jointly, which bond shall be in the following form: Know all men by these presents, that we,  
....., as principal, and ..... and ..... as

To give  
bond.

Form of  
bond.

sureties, are held and firmly bound unto the people of the State of Michigan, in the sum of ..... dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated this ..... day of ....., A. D. 18... Whereas the above named principal is now carrying on, and proposes to continue the business of selling drugs and medicines in ....., in the county of ....., and whereas, the said principal hath covenanted and agreed, and doth hereby covenant and agree as follows, to-wit: that he will not, directly or indirectly, by himself, his clerk, agent or servant, at any time, sell any spirituous or any intoxicating liquors, or any mixed liquor, a part of which is spirituous or intoxicating, except to be used as a medicine, as a chemical agent in scientific, mechanical or manufacturing purposes, or of wine for sacramental purposes. That he will not sell the same to any person who he knows, or has good reason to believe, intends to use it as a beverage, or for any other purpose than such as are herein expressed, or to any person to be drunk, for any purpose upon the premises. That he will not sell any such liquor to a minor, unless upon the written order of his father, mother, guardian, or family physician. That he will keep a book containing a list, in writing, of the names of all persons who shall, from time to time, purchase any such liquor of him, his clerk, agent or servant, and of the persons who act as their agents in such purchase, together with the quantity and kind of liquor purchased on each and every occasion, and the declared object for which the same was purchased; which list shall, on demand, be exhibited to any elector of the township, city or village. And that he will not, in any case, sell or deliver any such liquor, for any purpose whatever, to any person known to him to be an habitual drunkard, or a person in the habit of getting intoxicated. Now the condition of this obligation is such, that if the said principal shall well and truly keep and perform, all and singular, the foregoing covenants and agreements, then this obligation shall be void and of no effect; otherwise, the same shall be in full force and effect.

Condition  
of bond.

Ida.

Signed and sealed in presence of, }  
 .....[L. S.]  
 .....[L. S.]  
 .....[L. S.]

**Bond to be approved.**

Such bond shall afford such principal no protection, unless the approval thereof by the township board, or the board of trustees, or common council of the village or city shall be duly certified thereon, in writing; and he shall not be allowed to sell such liquor in any other place, on pain of forfeiting the same amounts and being proceeded with in the same manner as if no such bond had been given. Whenever any condition of such bond shall be broken, it shall be the duty of the prosecuting attorney of the county to put the same in suit, and collect the amount thereof by due course of law: and from the time of such breach, said bond shall afford said principal no protection against any suit or prosecution under this act. It shall be the duty of such seller of drugs and medicines, his clerk, agent or servant, whenever applied to to sell any such liquor, to inquire of the person so applying, for what purpose or use the same is intended, and it shall be the duty of such applicant to inform him truly; and in case such applicant shall, in answer to such inquiry, make a false statement, he shall be liable to the same forfeitures that are provided in section three, for the unlawful selling of such liquors, which forfeitures may be enforced in the same manner, and with like consequences, as those mentioned in said section. And if such applicant shall omit or refuse to answer, and such seller of drugs and medicines shall, notwithstanding, sell and deliver to him any such liquors, he shall lose all protection by virtue of such bond, and may be proceeded against in the same manner as if the same had not been given. If any person is in the habit of getting intoxicated, and any member of his family, or three other persons, shall make complaint on oath or affirmation, to any member of the township board, trustee or common council of any township, city or village, in any county, that said person is in the habit of getting intoxicated, it shall be the duty of said member of the common council, trustee, or township board, to make summary inquiry on due notice, to the person charged with being in the habit of getting intoxicated, and if the fact be found as charged in the complaint, forthwith to forbid all sellers of drugs or medicines in such township, village or city, to sell such person any such liquors, for any purpose whatever; and if such seller of drugs and medicines shall, after being notified as aforesaid, sell such person any such liquor, he shall be proceeded against for an unlawful sale, as in other cases.

**Breach of bond to be prosecuted.**

**Duty of druggist when applied to for liquor.**

**Penalty if applicant makes false statement.**

**Persons in the habit of getting intoxicated.**

**Duty of member of com. council, trustee, or town b'd.**



Sec. 15. The giving away of intoxicating liquors, or any other shift or device, with intent to evade the provisions of this act; shall be deemed an unlawful selling, within the meaning of this act, and every person who, as clerk, agent or servant of another, shall sell any such liquor, shall be deemed equally guilty as his principal, and may be prosecuted for such selling. And if any person shall knowingly solicit or encourage any person who has previously used intoxicating drinks habitually, or injuriously, to use as a beverage any such liquors; or if he shall voluntarily, directly or indirectly give any such liquors, or cause the same to be given, to such person; or shall, with the intention of having such person drink or use them, place any such liquors, or cause or procure the same to be placed where such person may obtain them to be used as a beverage, such person so offending shall be subject to the penalties and forfeitures provided in this act against selling such liquors.

Giving away intoxicating liquors, &c., deemed unlawful selling.

Clerks or agents liable for selling.

Soliciting intemperate persons to drink, punished.

Sec. 16. Whenever complaint shall be made on oath, before any justice of the peace in any county, or any municipal or police court of any city or village, that any person is found intoxicated in any tavern, store, shop, public building, street, alley, highway, or place, other than a private dwelling house; or where complaint on oath shall be made before such justice, municipal or police court, by the wife or by any child of sufficient age and discretion to make oath, of any person found intoxicated in any dwelling house in such county, it shall be the duty of such justice, municipal or police court, to issue a subpoena to compel the attendance of such person so found intoxicated as aforesaid, to appear before the justice or court issuing the same, to testify in regard to the person or persons, and the time when, the place where, and the manner in which, the liquors producing his intoxication was procured; and if such person when subpoenaed, shall neglect or refuse to obey such writ, the said justice or court who issued the same shall have the same power and authority to compel the attendance of the person so subpoenaed, and to enforce obedience to such writ, as in other civil cases. Whenever the person so subpoenaed shall appear before the justice, municipal or police court, to testify as aforesaid, he shall be required to answer on oath the following questions, to-wit: When, where, and of whom did you procure, obtain or receive the liquor or beverage, the drinking or using of which has been the cause of the intoxication mentioned in the complaint? And if such person shall refuse to answer

Persons found intoxicated, required to testify.

Questions to be answered.

**Refusing to answer, how dealt with.** fully and fairly such question on oath, he shall be punished and dealt with in the same manner as for a contempt of court, as in other cases.

**Court to make record of testimony.** If it shall appear from the testimony of such person that any of the offences specified in this act have been committed in this State, such justice or court before whom such testimony is given, shall make a true record of the same, and cause it to be subscribed by such witness; and the said testimony or answer, when subscribed as aforesaid, shall be deemed and taken to be sufficient complaint to authorize the issuing of a warrant to arrest any person or persons who may appear from said complaint to be guilty of having violated any of the provisions of this act. Any person arrested on a warrant issued pursuant to the provisions of this section, shall be brought before the justice or court issuing the same, and all subsequent proceedings in such suit or prosecution shall be governed by, and subject to, the provisions of this act, and all other rules of law applicable thereto.

**When warrant to issue.**

**Forfeitures, how applied.**

**Sec. 17.** All forfeitures and sums of money arising under this act, upon any recognizance or bond, after payment of the costs of prosecution or suit, shall be paid over to the treasurer of the proper county, to be applied to the support of the poor, in accordance with the laws relating to the support of poor persons by counties; and all other fines and forfeitures, arising under this act, shall be paid over and applied according to the constitution and provisions of law.

**Penalty for refusing to serve process, &c.**

**Sec. 18.** If any sheriff, under-sheriff, deputy sheriff, constable, city attorney, city or village marshal, prosecuting attorney, or other person, whose duty it is to serve process, or carry into effect any of the provisions of this act, shall refuse or neglect so to do without good cause, he shall be deemed guilty of a misdemeanor, and on conviction thereof, he shall be fined or imprisoned, as in other cases of misdemeanor; and in addition to such punishment, he may be adjudged to have forfeited his office, and may be removed by competent authority. Whenever the prosecuting attorney is mentioned in this act, the district attorney of the Upper Peninsula shall be considered as equally intended.

**Manufacture of alcohol of commerce.**

**Sec. 19.** This act shall not be construed as prohibiting the manufacture of the alcohol of commerce, containing not less than eighty parts in the hundred of pure alcohol: *Provided*, That the manufacturer shall not be at liberty to sell the same within this State, excepting only to the

persons who may have given bonds, pursuant to section fourteen of this act; and any other sale of such alcohol shall be deemed to be within the prohibitions, penalties and forfeitures of this act; nothing contained in this act shall be construed to prohibit the making of cider from apples, or wine from grapes or other fruits, grown or gathered by the manufacturer thereof, (if made in this State and free from all other intoxicating liquors,) but in no case shall such cider be sold in a less quantity than ten gallons, or such wine be sold in a less quantity than one gallon, and sold to be, and be all taken away at one time; and all sales of such cider in less quantity than ten gallons, or of such wine in less quantity than one gallon, or to be drunk or used on the premises, shall be an unlawful sale in the meaning of this act, and be punished accordingly.

Cider and wine from domestic apples and grapes.

Sec. 20. The provisions of this act shall not be construed to apply to such liquors as are of foreign production, and which have been imported under the laws of the United States, and in accordance therewith, and contained in the original packages in which they were imported, and in quantities not less than the laws of the United States prescribe. To entitle any liquors to the exemption contained in this section, it must be made to appear by positive proof that they are of the character in this section described; nor shall custom-house certificates of importation, and proofs of marks on the casks or packages corresponding therewith, be received as evidence that the liquors contained in such packages are those actually imported therein.

This act not to apply to liquors imported under U. S. laws, in original packages.

Proof.

Sec. 21. The act entitled "an act prohibiting the manufacture of intoxicating beverages, and the traffic therein," approved February twelfth, one thousand eight hundred and fifty-three, and all laws inconsistent with this act, are hereby repealed, saving all rights of action which may have accrued under either of said acts, and all pending suits under the same, which may be prosecuted to final judgment in the same manner and with the like effect as if said acts were not repealed.

Acts repealed.

Approved February 3, 1855.

## [ No. 18. ]

**AN ACT** to amend an act entitled "an act for the encouragement of agriculture, manufactures, and the mechanic arts," approved March 16, 1849.

Section 1  
amended.

**SECTION 1.** *The People of the State of Michigan enact,* That section one of an act for the encouragement of agriculture, manufactures, and mechanic arts, be so amended as to read as follows:

Where Co.  
ag'l society  
raise annu-  
ally \$100, or  
more, offi-  
cers may  
certify, &c.

"Section 1. In any county in this State, where the inhabitants thereof have organized and established, or may hereafter organize and establish a society for the encouragement and advancement of agriculture, manufactures, and the mechanic arts, and shall raise from said society annually the sum of one hundred dollars or over, for the promotion of the above objects, in said county, which fact shall be certified by the president and secretary of the society under oath, and a certificate thereof shall be filed with the clerk of the board of supervisors. The board of supervisors of said county, at their annual session in each and every year, are hereby required to levy a tax of not less than one-fortieth, nor more than one tenth of one mill on the dollar, on the assessment roll of the county, which tax shall be collected and paid to the treasurer of the county, in the same manner that other taxes are collected and paid.

Supervisors  
required to  
levy a tax.

Approved February 6, 1855.

## [ No. 19. ]

**AN ACT** supplementary to an act entitled "an act to authorize the formation of corporation for mining, smelting or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February 5, 1853.

May have  
business  
office out of  
this State.

**SECTION 1.** *The People of the State of Michigan enact,* It shall be lawful for any mining company, associating under the act to which this is supplementary, to provide in the articles of association for having the business office of such company out of this State, at any place within the United States, and to hold any meeting of the stockholders or directors of such company, at such office so provided for; but every such company having its business office out of this State, shall have an office for the transaction of business within this State, to be also designated in such articles.

But shall  
also have an  
office in this  
State.

Sec. 2. The first meeting of every such association, having its business office out of this State, may be held either in this State or at such business office; and if held at such office, notice thereof shall be published for fifteen days previous thereto, in some newspaper published in the city of Detroit, and also in the county in which said office may be located.

First meeting, where held.

Notice to be published.

Sec. 3. All stock in any company organized under the law to which this is supplementary, forfeited for non-payment of assessments, and belonging to residents of this State, shall be sold within this State; such as may belong to residents of the Upper Peninsula, to be sold at the county seat of the county in which such mine is located; and thirty days notice of such sale shall be given in some newspaper published in said Upper Peninsula; and if none be published there, then in some newspaper published in the city of Detroit; and such stock as shall belong to residents of the Lower Peninsula, shall be sold at the office of the company, if there be one in the Lower Peninsula, and if there be no such office, then at the city of Detroit, thirty days notice of such sale being previously given in some newspaper published in the county where such sale is to be made.

Stock forfeited, where to be sold; and notice of sale, how published.

Sec. 4. All meetings and all corporate acts heretofore had by any company organized under the law to which this is supplementary, beyond the limits of this State, and within the United States, shall be held and the same are hereby made to be legal and valid: *Provided always*, That such meetings and acts would have been valid, if had within this State.

Certain acts legalized.

Provide.

Sec. 5. Any mining company organized and doing business under any special charter, may at any time, by a vote of a majority in interest of its stockholders, dissolve its organization, and organize under the act to which this is supplementary; and any company so organizing under said act, shall have the right, in preference to any other company, to assume the name by which it was known in its former charter: *Provided*, It perfects its organization within sixty days after dissolving its special charter; and after perfecting its organization, according to the provisions of said act, it shall be entitled to all the rights, privileges, and immunities therein contained, and the property effects and rights of action of the company shall pass to, and be vested in the company so organized under the acts to which this is supplementary, and the debts,

Companies under special charter may dissolve and organize under this act.

Preference to name in such case.

Rights and liabilities after re-organization.

liabilities and demands existing against the company so dissolved, shall be and remain debts, liabilities and demands against the newly organized company, and may be prosecuted against it in like manner and to the like effect as they might have been against the company so dissolved.

Capital may  
be increased

Number of  
shares lim-  
ited.

Sec. 6. Any company organized under the act to which this is supplementary, may at any time, by a vote of two-thirds in interest of its stockholders, increase its capital, not to exceed one million of dollars, and the shares of its capital stock to fifty dollars each; but nothing in this act shall be construed to give any company, organized under said act, a right to increase its number of shares to a greater number than twenty thousand.

Sec. 7. This act shall take effect immediately.

Approved February 6, 1855.

[ No. 20. ]

AN ACT for the incorporation of Charitable Societies.

How organ-  
ized.

Copy of arti-  
cles to be  
filed with  
Secretary of  
State, and  
with county  
clerk.

To be a  
body corpo-  
rate.

Meaning of  
charitable  
societies.

No one enti-  
tled to ben-  
efits by rea-  
son of mem-  
bership.

SECTION 1. *The People of the State of Michigan enact*, That any three or more persons, who may desire to become incorporated for any charitable purpose, may execute under their hands, and acknowledge before some person within this State, authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or of a certified copy thereof, in the clerk's office of the county or counties in this State, in which the office of such association for the transaction of business, may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purposes set forth in said articles.

"Charitable societies," within the meaning of this act, shall be construed to include only societies intended to assist those suffering from any disease, infirmity or necessity: *Provided however*, That no person shall, by reason of membership in any such society, become entitled thereby to any special dividend or benefit out of the funds thereof, depending on such membership.

Sec. 2. The articles of this association shall contain :

First. The names of the persons associating in the first instance, and their places of residence ;

Articles of association, what to contain.

Second. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years ;

Third. The objects for which it is organized, which shall be stated with convenient certainty, and expressly ;

Fourth. The number of its trustees and regular officers, and the time and place of holding its annual meeting ;

Fifth. The terms and conditions of membership therein.

Sec. 3. The affairs of such corporations shall be managed by not less than five, nor more twenty trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen ; and the regular officers thereof, except the treasurer and secretary, shall form a part of said trustees, and the said treasurer and secretary shall be chosen from such trustees. The officers may be chosen by the trustees or by the members of such corporation, as the articles shall prescribe. The by-laws of such corporation shall be adopted by the trustees, who may change them at their pleasure. A majority of the trustees shall be a quorum to transact business. All of such trustees shall be citizens of the United States, and residents of the State of Michigan.

Trustees to be chosen.

Officers.

How chosen

By-laws.

Quorum.

Trustees to be citizens of the U. S.

Sec. 4. No such corporation shall have power to take or hold any real estate, except such as may be necessary for any hospital or asylum under its control, or for the transaction of its business, for a longer period than ten years.

Power to hold real estate restricted.

Sec. 5. All the funds received by any such corporation, shall be used in the first instance, or shall be invested, and the income thereof used (after paying necessary expenses) for the exclusive purpose set forth in the articles of association ; and no portion thereof shall be used for any such purpose, except within this State. And no portion of the funds of any such corporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by such corporation. Such corporation may take, by gift, purchase, or devise, property to an amount not exceeding one hundred thousand dollars ; and it shall be lawful to invest the same upon mortgage, or in

How funds to be used and invested.

Not to be used for building in certain cases.

Loans to officers prohibited.

Articles of agreement may specify how funds shall be invested.

Required to make report in certain cases.

Penalty for neglect to make report.

or by loan, on railroad stocks or bonds, or any city, county, State or government securities, but no loan shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of agreement, specify the kinds of securities in which its funds shall be invested; and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in the articles or agreement, then such funds shall only be invested in such securities as are specified in this act.

Sec. 6. Any corporation formed under this act shall, whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs, under the oath of at least two of its trustees; and for any neglect to furnish such report when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered by action of debt, in the name of the people of the State of Michigan.

Sec. 7. This act shall take effect immediately.

Approved February 6, 1855.

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[ No. 21. ]

AN ACT to organize the township of Forrester, in the county of Sanilac.

Forrester organized.

SECTION 1. *The People of the State of Michigan enact*, That all that part of the township of Austin, in the county of Sanilac, comprised in town twelve north, of ranges twelve, thirteen, fourteen, fifteen and sixteen east, be and the same is hereby set off from said township, and organized into a separate township by the name of Forrester, and the first township meeting therein shall be held at the house of Anthony Oldfield, in said township.

First township meet'g where held.

Sec. 2. This act shall take effect immediately.

Approved February 6, 1855.



[ No. 22. ]

AN ACT to authorize the Water Commissioners of the city of Detroit to loan money for the purpose of extending and improving the water works of said city.

SECTION 1. *The People of the State of Michigan enact, That* the board of water commissioners of the city of Detroit shall have <sup>Commissioners may loan money.</sup> power to loan, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars upon the credit of said city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which <sup>Bonds.</sup> bonds shall issue under the seal of said board of commissioners and shall be signed by them, or a majority of them, and bearing interest not exceeding <sup>Interest.</sup> eight per cent. per annum. And it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by <sup>Register of Bonds to be kept.</sup> them, showing the number, date, and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the Auditor of said city a copy of such register as soon as the same is made, which shall be preserved by said Auditor and copied into the records of said city. And the said sum of <sup>Copy to be furnished City Auditor.</sup> money shall be expended by said commissioners solely for the purpose <sup>Money, how expended.</sup> of extending and improving the water works of the city of Detroit.

This act shall take effect immediately.

Approved February 6, 1855.

[ No. 23. ]

AN ACT to amend section fifty-eight of an act entitled "an act to incorporate the city of Grand Rapids," approved April 2, 1850.

SECTION 1. *The People of the State of Michigan enact, That* section <sup>Sec. 23 of act No. 247 of 1850 amended.</sup> fifty-eight of an act entitled an act to incorporate the city of Grand Rapids, approved April second, eighteen hundred and fifty, shall be amended as follows, to wit: by striking out all of said section from the commencement thereof to the word "and," where it occurs the second time therein, in the second line thereof, and inserting therefor the following, to wit: "There shall be chosen on the first Monday

in April in every year, in the city at large, upon a general ticket, three persons, qualified electors of said city, one of whom shall be a resident of that portion of said city situated on the west side of Grand River, and the other two residents of that portion of said city situated on the east side of the said river, who shall have and exercise the powers and duties of supervisors, and as such, for and in behalf of the said city, act upon and with the board of supervisors of the county of Kent," so that said section when amended shall read as follows, to wit:

Three persons to be elected to act as supervisors.

"Sec. 58. There shall be chosen on the first Monday in April in each year, by the city at large, upon a general ticket, three persons, qualified electors of said city, one of whom shall be a resident of that portion of said city situate on the west side of Grand River, and the other two, residents of that portion of said city situate on the east side of said river, who shall have and exercise the powers and duties of supervisors, and as such, for and in behalf of said city, act upon and with the board of supervisors of the county of Kent; and the marshal of said city shall have and exercise the powers and duties of township treasurer; and the clerk of said city, in addition to his duties as city clerk, shall perform the duties of township clerk, as provided by law."

This act shall take effect immediately.

Approved February 6, 1855.

[ No. 24. ]

AN ACT to provide for the collection of taxes in the township of Thornapple, in the county of Barry, for the year eighteen hundred and fifty-four, and to extend the time for the collection thereof.

Tax Roll of 1854 legalized.

**SECTION 1.** *The People of the State of Michigan enact, That* the tax roll of the township of Thornapple, in the county of Barry, for the year eighteen hundred and fifty-four, be and the same is hereby declared to be as valid and legal as if the same had been made, out and delivered to the township treasurer, at the time prescribed by law.

Treasurer to file bond.

**Sec. 2.** That the treasurer of said township file his bond, as required by law, within five days after the reception of said roll, and before he proceeds to the collection of the taxes.

Sec. 3. That the time for the collection of said taxes be extended to the fifteenth day of March next, and that the said treasurer make return as provided by law in other cases, on or before the first day of April next.

This act shall take effect immediately.

Approved February 7, 1855.

[ No. 25. ]

AN ACT to amend sections seven, eight, and thirteen, of chapter one hundred and forty-eight of the revised statutes, relative to jails.

SECTION 1. *The People of the State of Michigan enact*, That sections seven, eight, and thirteen, of chapter one hundred and forty-eight of the revised statutes, be and the same are hereby amended so as to read as follows: Sections 7, 8 and 13, ch'p 148 of R. S. 1846 amended.

"Sec. 7. If in any county there shall not be a jail, or the jail erected shall become unfit or unsafe for the confinement of prisoners, or shall be destroyed by fire or otherwise, the circuit judge of the circuit court, or any circuit court commissioner for such county, and in the Upper Peninsula, the district judge of the district court for such county, shall by an instrument in writing, to be filed with the clerk of the county, designate the jail of some other county for the confinement of the prisoners of such county; which shall thereupon, to all intents and purposes, except as herein otherwise provided, become the jail of the county for which it shall have been so designated. Judge may designate jail in certain cases.

Sec. 8. A copy of such instrument of designation, duly certified by the clerk of the county with whom it is filed, under the seal of the circuit or district court thereof, shall be served on the sheriff and keeper of the jail so designated, whose duty it shall be from thenceforth to receive into such jail, and there safely keep, all persons who may be lawfully confined therein, pursuant to the foregoing provisions. Copy to be served on sheriff or keeper. Duty of sheriff, &c.

Sec. 13. Whenever a jail shall be erected for the county for whose use such designation shall have been made, or its jail shall have been rendered fit and safe for the confinement of prisoners, the circuit judge of the circuit court for such county, or in the Upper Peninsula, the district judge of the district court for such county, shall, by an instrument When designation to be revoked.

in writing, to be filed with the clerk of the county, declare that the necessity for such designation has ceased, and that the same is hereby revoked and annulled.

This act shall take effect immediately.

Approved February 7, 1855.

[ No. 26. ]

AN ACT making appropriations for the salaries of the State Officers for the years eighteen hundred and fifty-five and eighteen hundred and fifty-six.

**SECTION 1.** *The People of the State of Michigan enact,* That there be, and the same is hereby appropriated, out of any moneys in treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State Officers for the year eighteen hundred and fifty-five: For the salary of the Governor, one thousand dollars; for the salaries of the associate Judges of the Supreme Court, fifteen hundred dollars each; for the salary of the District Judge of the Upper Peninsula, one thousand dollars; for the salary of the District Attorney of the Upper Peninsula, seven hundred dollars; for the salaries of the Auditor General and State Treasurer, one thousand dollars each; for the salary of the Commissioner of the State Land Office, eight hundred dollars; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, eight hundred dollars; for the salary of the Superintendent of Public Instruction, one thousand dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quartermaster General, one hundred and fifty dollars; for the salaries of Deputy State Treasurer, Deputy Auditor General, Deputy Secretary of State and Deputy Commissioner of the State Land Office, seven hundred dollars each; for the salary of the Book Keeper of the State Land Office, six hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salary of the Private Secretary of the Governor, five hundred dollars; for the Clerk of the Attorney General, four hundred dollars; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred

*Appropriations for 1855.*  
*Governor.*  
*Judges.*  
*Dist. Att'y.*  
*Aud. Gen'l and State Treasurer.*  
*Comm'r Land Office.*  
*Secretary of State.*  
*Attorney General.*  
*Supt. Pub. Instruction.*  
*Adj't Gen'l.*  
*Qr. M. Gen'l.*  
*Deputies.*  
*Clerks, &c.*

dollars a year each; for the salary of the Reporter of the Supreme Court, five hundred dollars; for the salaries of such additional Clerks in the State Land Office, as may be necessary, not exceeding six hundred dollars per year, for the time employed. Reporter.

Sec. 2. That there be and the same is hereby appropriated out of any moneys in the treasury, to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State Officers, for the year eighteen hundred and fifty-six: For the salary of the Governor, one thousand dollars; for the salaries of the Associate Judges of the Supreme Court, fifteen hundred dollars each; for the salary of the District Attorney of the Upper Peninsula, seven hundred dollars; for the salaries of the Auditor General and State Treasurer, one thousand dollars each; for the salary of the Commissioner of the State Land Office, eight hundred dollars; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, eight hundred dollars; for the salary of the Superintendent of Public Instruction, one thousand dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quartermaster General, one hundred and fifty dollars; for the salaries of the Deputy State Treasurer, Deputy Auditor General, Deputy Secretary of State, and Deputy Commissioner of the State Land Office, seven hundred dollars each; for the salary of the Book Keeper of the State Land Office, six hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salary of the Private Secretary of the Governor, five hundred dollars; for the Clerk of the Attorney General, four hundred dollars; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each; for the salary of the Reporter of the Supreme Court, five hundred dollars; for the salary of the District Judge of the Upper Peninsula, one thousand dollars; for the salaries of such additional clerks in the State Land Office as may be necessary, not exceeding six hundred dollars a year, for the time employed. Appropriations for 1856.

Governor.

Judges.

Dist. Att'y.

Aud. Gen'l

and State

Treasurer.

Com'r Land

Office

Secretary of

State.

Att'y Gen'l

Supt. Pub.

Instruction.

Adj't Gen'l

Qr. M. Gen'l

Deputies.

Clerks, &c.

Reporter.

Dist. Judge.

Approved February 7, 1855.

## [ No. 27. ]

## AN ACT to provide for laying out private roads.

**Notice to owners, &c.** SECTION 1. *The People of the State of Michigan enact, That* whenever application shall be made to the commissioners of highways of any township for a private road, they shall give notice to the owner or occupant of the land over which the road is proposed to be laid out, to meet on a day and at a place certain, for the purpose of aiding in the striking of a jury to determine as to the necessity or propriety of such road; at which time and place the jury shall be selected, in the following manner, to wit: said commissioners of highways shall direct some disinterested person to write down the names of eighteen disinterested freeholders, from which list the owner or occupant of said land, and the applicant for said road, shall strike out three names each, and the balance remaining on such list shall form said jury. In case either said owner or occupant, or said applicant, shall refuse to strike, said commissioners shall strike for the party so neglecting or refusing. Said commissioners shall issue a citation to said freeholders to appear before them forthwith, to determine as to the necessity or propriety of such road, and the damages resulting therefrom, in case such road shall be deemed necessary by them.

**Jury to be sworn.** SEC. 2. Such freeholders, when met, shall be sworn well and truly to examine in regard to the necessity and propriety of such road, and in case they shall decide that such road is necessary, to justly and impartially appraise the damages of the owner or owners or occupant of the land, by reason of laying out such road.

**Duty of jury** SEC. 3. If they shall determine that the road so applied for is necessary, they shall make and subscribe a certificate of such determination, and also their appraisal of the damages, and shall deposit the same with the commissioners of highways of the township; and the said commissioners of highways shall thereupon lay out the road, describing the same particularly by its bounds, courses and distances, and cause a record thereof to be made in the clerk's office of the proper townships.

**How road shall be laid out.** SEC. 4. The damages of the owner or owners or occupant of the land through which such road shall be laid, when ascertained, as hereinbefore provided, together with expenses of proceedings, shall be paid by

**Applicant to pay damages and expenses.**

the person applying for the road, and when such damages and expenses are paid, the commissioners of highways of the township shall proceed to open the road. When road to be open'd.

Sec. 5. Every such private road, when so laid out, shall be for the use of such applicant, his heirs and assigns, but not to be converted to any other use or purpose than that of a road: *Provided always*, That the owner or occupant of the land through which such road shall be laid out, shall not be prevented making use thereof as a road, if he shall signify his intention of making use of the same to the jury who ascertain the damages sustained by laying out such road, before the appraisal of the damages by them. To be for use of applicant. When owner may use road, &c.

Approved February 7, 1855.

[ No. 28. ]

AN ACT to provide for the improvement of the mouth of the Ontonagon River.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors for the county of Ontonagon, be and are hereby authorized and empowered to expend all the surplus and unappropriated money belonging to said county, and also, such further sum as said board shall determine to be raised by loan or otherwise, by said county, not exceeding eight thousand dollars, for the purpose of dredging and clearing out and improving the mouth of the Ontonagon River. Supervisors may expend surplus funds. Not exceeding \$8,000.

Sec. 2. The board of supervisors of the county of Ontonagon are hereby authorized to raise by tax, to be assessed upon the taxable property in said county, and collected in the manner provided by law for the assessment and collection of ordinary taxes, any sum not exceeding eight thousand dollars, to be used solely for the purposes contemplated in the first section of this act. And the said board are also hereby authorized in behalf of said county, to negotiate a loan for the whole or a part of said sum of eight thousand dollars, to be reimbursed out of the moneys raised by the tax hereby authorized, when collected. Supervisors authorized to raise tax. May negotiate a loan.

Approved February 7, 1855.

[ No. 29. ]

## AN ACT for the relief of School Districts.

**SECTION 1.** *The People of the State of Michigan enact*, That the qualified voters in any school district having more than three hundred children, between the ages of four and eighteen years, residing in such district, shall have power when lawfully assembled, to designate by a vote of two-thirds of those present, any number of sites for school houses, including a site for a union school house, and to change the same by a similar vote, at any regular meeting: *Provided*, That the whole number of sites or school houses in any one district, shall not exceed five: *Provided further*, That in case two-thirds cannot agree upon a site for said school house, that a majority of the voters of said district shall have power to instruct the district board to locate said site.

When district board may designate site.

Compensation for site, how ascertained.

**Sec. 2.** Whenever a site for a school house shall be designated, determined or established, in any manner provided by law, in any school district, and such district shall be unable to agree with the owner of such site, upon the compensation to be paid therefor, or in case such district shall, for any cause, be unable to purchase or procure a title to such site, the district board of such district, may authorize any one or more of its members to apply to the circuit judge, if there be one in the county, or to a circuit court commissioner of the county, or to any justice of the peace of the city or township in which such school district shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, which application shall be in writing, and shall describe the real estate required by such district as accurately as is required in a conveyance of real estate.

Jury to be summoned.

**Sec. 3.** It shall be the duty of such circuit judge, circuit court commissioner, or justice of the peace, upon such application being made to him, to issue a summons or venire, directed to the sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such site, who are in no wise of kin to the owner of such real estate, and not interested therein, to appear before such judge, commissioner or justice, at the time and place therein named, not less than twenty nor more than thirty days from the time of issuing such summons or venire, as a jury to ascertain and determine the



just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time when and the place where such jury is summoned to appear, and the object for which such jury is summoned; which notice shall be served at least ten days before the time specified in such summons or venire for the jury to appear, as hereinbefore mentioned. Owner to be notified.

Sec. 4. Thirty days previous notice of the time when, and the place where such jury will assemble, shall be given by the district board of such district, where the owner or owners of such real estate shall be unknown, non-residents of the county, minors, insane, non compos mentis, or inmates of any prison, by publishing the same in a newspaper published in the county where such real estate is situated; or if there be no newspaper published in such county, then in some newspaper published in the nearest county where a newspaper is published, once in each week for four successive weeks, which notice shall be signed by the district board, or by the director or assessor of such district, and shall describe the real estate required for such site, and state the time when, and the place where such jury will assemble, and the object for which they will assemble, or such notice may be served on such owner personally, or by leaving a copy thereof at his last place of residence. Notice in cases where owner is unknown.

Sec. 5. It shall be the duty of such judge, commissioner or justice, and of the persons summoned as jurors, as hereinbefore provided, and of the sheriff or constable summoning them, to attend at the time and place specified in such summons or venire; and the officer who summoned the jury shall return such summons or venire to the officer who issued the same, with the names of the persons summoned by him as jurors, and shall certify the manner of notifying the owner or owners of such real estate, if he was found, and if he could not be found in said county, he shall certify that fact; either party may challenge any of said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance, and who issued the summons or venire for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of freeholders to make Return of venire, and the proceedings thereon.

up the number of twelve; and the officer issuing the summons or venire for such jury, may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such summons, venire or attachment, as courts of record or justice's court are authorized to do in civil cases.

Attachment may issue to enforce obedience.

Jury to be sworn.

Subpoena for witnesses.

Duty of the jury.

Court to make certificate.

Judgment—collection thereof.

Sec. 6. The twelve persons thus selected as the jury, shall be duly sworn by the judge, commissioner or justice in attendance, faithfully and impartially to enquire, ascertain and determine, the just compensation to be made for the real estate required by such school district for such site, and the necessity for using the same in the manner proposed by such school district, and the persons thus sworn shall constitute the jury in such case. Subpoenas for witnesses may be issued, and their attendance compelled by such circuit judge, commissioner or justice, in the same manner as may be done by the circuit court or by justice's court in civil cases. The jury may visit and examine the premises, and from such examination and such other evidence as may be presented before them, shall ascertain and determine the necessity for using such real estate in the manner and for the purpose proposed by such school district, and the just compensation to be made therefor; and if such jury shall find that it is necessary that such real estate shall be used in the manner or for the purpose proposed by such school district, they shall sign a certificate in writing, stating that it is necessary that said real estate (describing it) should be used as a site for a school house for such district; also stating the sum to be paid by such school district as the just compensation for the same. The said circuit judge, circuit court commissioner or justice of the peace, shall sign and attach to, and endorse upon the certificate thus subscribed by the said jurors, a certificate stating the time when and the place where the said jury assembled, that they were by him duly sworn as herein required, and that they subscribed the said certificate; he shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificates to the director or to any member of the district board of such school district.

Sec. 7. Upon filing such certificates in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certifi-

cate signed by such jury, against such school district, which judgment shall be collected and paid in the manner as other judgments against school districts are collected and paid.

Sec. 8. In case the owner of such real estate shall be unknown, insane, non compos mentis, or an infant, or cannot be found within such county, it shall be lawful for the said school district to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons entitled thereto; and it shall be the duty of each county treasurer to receive such money, and at the time of receiving it, to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond, for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same as herein required: *Provided*, That no such money shall be drawn from such county treasurer, except upon an order of the circuit court, circuit court commissioner, or judge of probate, as hereinafter provided.

When own'r is unknown, &c., money to be deposited with Co. Treasurer.

How to be drawn from Co. Treas.

Sec. 9. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding section, such court shall, by an order or decree, adjudge and determine, that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and its assigns, a copy of which decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth from the time of making such payment or deposit, be vested forever thereafter in such school district and its assigns in fee.

On payment court may decree title vested in school dist.

Sec. 10. Such school district may at any time after making the payment or deposit hereinbefore required, enter upon, and take possession of such real estate, for the use of said district.

When dist. to take possession.

Sec. 11. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings

When jury cannot agree proceedings may be adjourned, &c.

shall be necessary; but instead of such notice, the judge, commissioner, or justice, may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury returnable at such time and place as the said proceedings shall be adjourned to; such proceedings may be adjourned from time to time, by the said judge, or commissioner, or justice, on the application of either party, and for good cause, to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment; but such adjournments shall not in all exceed three months.

Adjournments not to exceed three months.

Dist. board may fix amt of tuition to be paid, &c.

Sec. 12. The district board of any school district, shall have power to fix the amount of tuition to be paid by non-resident scholars attending any of the schools in said district; and in cases where there shall be a union school in any such district, to be paid by scholars attending such union school, and to make and enforce suitable by-laws and regulations for the government and management of such union school, and for the preservation of the property of such district. Such district board shall also have power to regulate and classify the studies, and prescribe the books to be used in such school.

Boundaries.

Sec. 13. No alteration shall be made in the boundaries of any school district having a union school, without the written consent of a majority of the district board of such district.

Districts having 300 pupils may borrow money.

Sec. 14. Any school district having more than three hundred children, between the ages of four and eighteen years, residing in such district, shall have power and authority to borrow money to pay for a site for a union school house, to erect buildings thereon, and to furnish the same, by a vote of two-thirds of the qualified voters of said district present any annual meeting, and by a like vote at any other regular meeting: *Provided*, That the times of holding such meetings shall not be less than five days nor more than six months apart, and that the whole debt of any such district, at any one time, for money thus borrowed, shall not exceed fifteen thousand dollars.

Limitation of amount.

How money deposited with county treasurer may be drawn from him.

Sec. 15. The circuit judge, judge of probate, or circuit court commissioner of any county, where any money has been deposited with the county treasurer of such county, as hereinbefore provided, shall, upon the written application of any person or persons entitled to such money, and upon receiving satisfactory evidence of the right of such applicant

to the money thus deposited, make an order, directing the county treasurer to pay the money thus deposited with him to said applicant; and it shall be the duty of such county treasurer, on the presentation of such order, with the receipt of the person named therein endorsed on said order and duly acknowledged, in the same manner as conveyances of real estate are required to be acknowledged, to pay the same; and such order, with the receipt of the applicant or person in whose favor the same shall be drawn, shall in all courts and places, be presumptive evidence in favor of such county treasurer, to exonerate him from all liability to any person or persons for said money thus paid [by] him.

Sec. 16. Circuit judges, circuit court commissioners, and justices of the peace, for any services rendered under the provisions of this act, shall be entitled to the same fees and compensation as for similar services in other special proceedings; jurors, constables and sheriffs, shall be entitled to the same fees, as for like services in civil cases in the circuit court. Compensation of officers and jurors.

Sec. 17. In case any circuit judge, circuit court commissioner, or justice of the peace, who shall issue a summons or venire for a jury, shall be unable to attend to any of the subsequent proceedings, in such case, any other circuit court commissioner or justice of the peace, may attend and finish such proceedings. When judge or justice unable to attend.

Sec. 18. Whenever any school district shall have voted to borrow any sum of money, the district board of such district is hereby authorized to issue the bonds of such district in such form, and executed in such manner by the moderator and director of such district, and in such sums, not less than fifty dollars, as such district board shall direct, and with such rate of interest, not exceeding ten per centum per annum, and payable at such time or times as the said district shall have directed. Bonds may be issued for money loaned. Interest.

Sec. 19. Whenever any money shall have been borrowed by any school district, the taxable inhabitants of such district are hereby authorized, at any regular meeting of such district, to impose a tax on the taxable property in such district for the purpose of paying the principal thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected. District may raise tax to pay loan.

Sec. 20. This act shall take effect immediately.

Approved February 7, 1855.

## LAWS OF MICHIGAN.

[ No. 30. ]

AN ACT to annex certain portions of the township of Grass Lake, county of Jackson, to the township of Napoleon.

SECTION 1. *The People of the State of Michigan enact, That* the south half of sections nineteen and twenty, town three south, range two east, lying and being situated in the south west corner of the township of Grass Lake, county of Jackson, be and the same is hereby attached to the township of Napoleon.

Sec. 2. This act shall take effect immediately.

Approved February 8, 1855.

[ No. 31. ]

AN ACT to authorize Mining Companies to subscribe and take stock in Plank Roads or Railroads, and to regulate taxation thereon.

May take  
stock.

Taxation,  
&c.,

Statement of  
amount to  
be returned  
to the State  
Treasurer.

SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for any mining company in the Upper Peninsula of this State, organized under any charter, or under the general mining law of this State, to subscribe for, and take stock in, any plank road or railroad, for the purpose of constructing such road to the mines; and the amount of its capital so subscribed and paid out, shall, for the purposes of taxation, be deducted from the capital of such mining company, and shall be taxed only as the capital of such plank road or railroad.

Sec. 2. The president and secretary of every such mining company subscribing or taking stock in any plank or railroad, shall, on or before the first day of May in each year, make, under their hands, a return to the State Treasurer, verified by their several oaths, stating the amount which such mining company has subscribed and paid in any plank or railroad, and also in what particular road.

Sec. 3. This act shall take effect immediately.

Approved February 8, 1855.

[ No. 32. ]

AN ACT to extend certain rights and privileges to persons who are tax payers but not qualified voters in school districts.

SECTION 1. *The People of the State of Michigan enact, That* the words "qualified voters," as used in chapter fifty-eight of the re-

vised statutes of eighteen hundred and forty-six, entitled "of primary schools," except in the fifth section thereof, shall be taken and construed to mean and include all taxable persons residing in the district of the age of twenty-one years, and who have resided therein for the period of three months next preceding the time of voting.

Who shall be qualified voters in school districts.

Sec. 2. In all cases where the board of school inspectors of any township shall form a school district therein, and where no election for school district officers shall be held, and where any school district shall neglect or refuse to elect at the proper time the necessary school district officers, it shall be the duty of the township board of school inspectors of the township in which such district is situated, to appoint the officers of such district from among the male persons residing in such district, of the age of twenty-one years, who are tax payers therein; which officers thus appointed, shall severally file with the director, a written acceptance of the offices to which they shall have been appointed, which shall be recorded by the director.

When school inspectors shall appoint district officers.

Acceptance, where filed.

Sec. 3. Every such school district shall be deemed duly organized, when any two of the officers thus appointed shall have filed their acceptance as aforesaid; and such school district and its officers shall be entitled to all the rights, privileges and immunities, and be subject to all the duties and liabilities conferred upon school districts by law.

When district deemed to be organized.

Sec. 4. This act shall take effect immediately.

Approved February 8, 1855.

[ No. 33. ]

AN ACT to provide for the collection and return of taxes, in townships nine and ten north, range four west, in the county of Gratiot, for the year one thousand eight hundred and fifty-four, and to extend the time thereof.

SECTION 1. *The People of the State of Michigan enact*, That townships nine and ten north, of range four west, as organized by the board of supervisors in and for the county of Clinton, in the month of October, one thousand eight hundred and fifty-three, be and the same is hereby declared duly organized for township purposes, by the name of Northshade.

Northshade organized.

Treasurer to  
collect tax.

Sec. 2. The township treasurer is hereby authorized to proceed and collect the taxes levied and assessed within said township, as provided by law, for the year one thousand eight hundred and fifty-four, upon the assessment and tax roll made and delivered to him by the supervisor of said township, as fully as he could do in the lifetime of his warrant, and to make his return thereof at any time on or before the second Monday in April next; and said warrant is hereby renewed and continued in full force and virtue for the purpose aforesaid, until the said second Monday in April next.

Renewal of  
warrant.

Bond to be  
renewed.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to renew again his official bond to the satisfaction of the treasurer of the county of Clinton.

Transcript  
of unpaid  
taxes, how  
returned.

Sec. 4. A transcript of all unpaid taxes returned to the treasurer of Clinton county, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and fifty-four, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 8, 1855.

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[ No. 34. ]

AN ACT to provide for reporting cases determined by the Supreme Court.

Reporter to  
attend terms  
of Supreme  
Court.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the State Reporter to attend the several terms of the supreme court, and to report briefly, and publish with the cases usually heretofore reported, and such cases of practice and other matters disposed of at the hearing, as the court shall deem of sufficient importance to be reported.

To receive  
and make  
copies of  
written  
opinions.

Sec. 2. It shall be lawful for the said Reporter to receive, at the close of each term of the supreme court, all written opinions delivered at said term, in cases which the court shall direct to be reported; and he shall cause accurate copies of said opinions to be made, and the originals to be returned to the offices where they properly belong, without unnecessary delay.



Sec. 3. The actual and necessary expenses incurred by the Reporter, in the discharge of the duties hereby imposed, shall be paid him upon the allowance of the Board of State Auditors; the Auditor General shall draw his warrant for the sum so allowed, and the same shall be paid by the State Treasurer. Actual ex-  
penses to be  
paid.

Sec. 4. This act shall take effect immediately.

Approved February 8, 1855.

[ No. 35. ]

AN ACT to extend the time for the collection of certain taxes for the year eighteen hundred and fifty-four, in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of State and county taxes in the city of Detroit, for the year eighteen hundred and fifty-four, upon the property of residents therein, is hereby extended until the third Tuesday of February, 1855. Time ex-  
tended.

Sec. 2. The collectors of the several wards of said city are hereby authorized and empowered to proceed and collect said taxes, as fully as they could do during the lifetime of their warrants, and make their returns at any time on or before the third Tuesday of February, 1855, and said warrants are hereby continued in full force for the purpose aforesaid, until said third Tuesday of February, 1855. Collectors  
may collect  
tax and make  
return.  
Warrants to  
continue in  
force.

Sec. 3. Upon the taxes due from all persons availing themselves of the extension of time herein authorized, the collectors shall be and they are hereby authorized to add the percentage now charged for such collections, which said percentage shall be collected, accounted for, and paid over, in the same manner as the original taxes. Percentage  
to be col-  
lected.

Sec. 4. It shall be the duty of the several collectors of the city of Detroit, before they shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the officer or person authorized to approve the same. Collectors  
first to pay  
over money  
collected, &  
renew their  
bonds.

Sec. 5. This act shall take effect from and after its passage.

Approved February 8, 1855.

[ No. 36. ]

AN ACT to amend an act entitled "an act to organize the county of Midland," approved March 29, A. D. 1850.

Sec. 1 of act  
number 183  
of 1850  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of the act entitled an act to organize the county of Midland, approved March twenty-ninth, A. D., one thousand eight hundred and fifty, be amended, so that the section shall read as follows: "Sec. 1.

Midland Co.  
duly organ-  
ized.

*The People of the State of Michigan enact*, That the county of Midland shall become duly organized, and the inhabitants thereof entitled to all the rights, privileges and immunities to which, by law, the inhabitants of other counties of this State are entitled, from and after the first Tuesday of July, A. D. one thousand eight hundred and fifty-five."

Election of  
Co. officers.

Sec. 2. That section two of the act entitled an act to organize the county of Midland, approved March twenty-ninth, A. D. one thousand eight hundred and fifty, be amended so that said section shall read as follows: "Sec. 2. There shall be elected in the said county of Midland, on the first Tuesday of July, one thousand eight hundred and fifty-five, all the several county officers to which, by law the said county is entitled, and said election shall, in all respects, be conducted and held in the manner prescribed by law for holding elections for county and State officers: *Provided*, That the county officers to be elected shall be

Qualificat'n.

qualified, and enter upon the duties of their respective offices on the thirty-first day of July, one thousand eight hundred and fifty-five, and whose term of office will expire at the time prescribed by the general law: *Provided further*, That until such county officers are elected and qualified, the proper county officers of the county of Saginaw shall perform all the duties appertaining to the said county of Midland, in the same manner as though this act had not passed."

Term.

Officers of  
Saginaw Co.  
to perform  
duties.

Pending  
suits, how  
disposed of.

Sec. 3. That section three of the act entitled an act to organize the county of Midland, approved March twenty-ninth, A. D. one thousand eight hundred and fifty, be amended so that said section shall read as follows: "Sec. 3. All suits, prosecutions and other matters now pending, or which shall be pending on the first Tuesday of July, one thousand eight hundred and fifty-five, before any court or before any justice of the peace of the county to which the said county of Midland is attached for judicial purposes, shall be prosecuted to final judgment and

execution; and all taxes heretofore levied, or which shall be levied, in accordance with law, previous to the first Tuesday of July, one thousand eight hundred and fifty-five, shall be collected in the same manner as though this act had not passed." Taxes, how collected.

Sec. 4. That section four of the act entitled an act to organize the county of Midland, approved March twenty-nine, one thousand eight hundred and fifty, be amended so that said section shall read as follows:

"Sec. 4. The board of canvassers in said county under this act, shall consist of the presiding inspectors of elections from each township therein; and said inspectors shall meet at the county seat of said county of Midland, on the second Tuesday in July, one thousand eight hundred and fifty-five, and organize by appointing one of their number chairman, and another secretary, of said board; and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of election for county and State officers." Co. canvass.

Sec. 5. That section five of the act entitled an act to organize the county of Midland, approved March twenty-ninth, one thousand eight hundred and fifty, be amended so that said section will read as follows:

"Sec. 5. The sheriff, county clerk, and county treasurer of said county, to be elected as provided for in this act, shall designate a suitable place at the forks of the Titabawassee, in said county, for holding the circuit court; they shall also designate suitable places at or near the same place for holding the offices of sheriff, county clerk, county treasurer, register of deeds, and judge of probate, of said county, until the county seat of the said county shall be established, and shall make and subscribe a certificate in writing, describing the place thus designated, which certificate shall be filed and safely preserved by the county clerk; and after such certificate shall be thus filed, the places thus designated shall be the places of holding the circuit court and county offices, and until suitable accommodations shall be provided for said court and county offices, at the county seat; and it is hereby made the duty of the supervisors thereof, to designate and establish the county seat thereof." Place for holding of circuit court and county offices to be designated.  
  
Supervisors to establish county seat.

Sec. 6. This act shall take effect immediately.

Approved February 8, 1855.

## [ No. 37. ]

AN ACT to amend an act entitled "an act to amend an act to incorporate the village of Kalamazoo, and the acts amendatory thereto," approved April first, A. D. one thousand eight hundred and fifty.

Election of  
village off-  
cers.

SECTION 1. *The People of the State of Michigan enact*, That at the next annual election of trustees to be held in the village of Kalamazoo, one person shall be elected by ballot, president of said village, and six persons shall be so elected trustees; and at the first meeting of the president and trustees so elected, the said trustees shall be divided by lot into two classes, the first class to hold their offices for one year, and the second class to hold their offices for two years; and annually thereafter, a president shall be elected as aforesaid, who shall hold his office one year, and three trustees shall be so elected, who shall hold their offices two years.

Trustees to  
be divided  
into two  
classes.

President  
elected an-  
nually, and  
trustees bi-  
ennially.

Officers may  
borrow mone-  
y when  
directed by  
vote of elect-  
ors.

Sec. 2. The said president and trustees may also, whenever so directed by a vote of the qualified electors of said village, at a meeting duly called for that purpose, borrow any sum of money, not exceeding three thousand dollars in any one year, for the general expenses and improvements in said village, upon the terms and conditions mentioned in section two of this act.

Repeal, &c.

Sec. 3. So much of either of the acts of which this act is amendatory, as are contrary to the provisions of this act, are hereby repealed.

Sec. 4. The Legislature may at any time alter, amend, or repeal this act, by a vote of two-thirds of both houses.

Sec. 5. This act shall take effect immediately.

Approved February 9, 1855.

## [ No. 38. ]

AN ACT to take township six north, of range fifteen west, from the township of Ottawa, and annex the same to the township of Holland, in the county of Ottawa.

SECTION 1. *The People of the State of Michigan enact*, That township six north, of range fifteen west, shall hereafter belong to and be attached to the township of Holland, in the county of Ottawa, for all township purposes.

Sec. 2. This act shall take effect immediately.

Approved February 9, 1855.

# LAWS OF MICHIGAN:

[ No. 39. ]

**AN ACT** to provide for the incorporation of Institutions of Learning.

**SECTION 1.** *The People of the State of Michigan enact,* That any number of persons not less than five, may become a corporation for the purpose of founding and establishing a college, seminary, academy, or other institution of learning, by complying with the provisions of this act. When stock, legacies, bequests or donations, to the amount of thirty thousand dollars for any such college, or five thousand dollars for any such seminary, academy, or other institution of learning, so intended to be founded and established shall be in good faith subscribed or given and twenty percent. thereon actually paid in, as herein required, such persons may elect trustees for such college, seminary, academy, or other institution of learning; and thereupon said trustees shall severally subscribe articles of association, in which shall be set forth the name, character, and object of the corporation, the amount of capital stock so subscribed, bequeathed, donated or given, and the amount paid in; the names and place of residence of the trustees; the length of time they shall continue in office, not to exceed thirty years; the manner in which their successors shall be elected, who shall not be less than five nor more than thirty-five, and the place where such college or other institution is to be located. Said articles of association, when subscribed as aforesaid, may be filed in the office of the Secretary of State; but such articles shall not be so filed until there is annexed thereto an affidavit, made by at least three of such trustees, that the amount of stock required by this section has been in good faith subscribed, and that twenty per cent. thereon has been paid in; and thereupon the persons who have subscribed said articles, with such other persons as may from time to time become donors to such institution, or if said articles of association so declare, the trustees elected as herein provided, shall be a body corporate and politic, capable of suing and being sued, and may have a common seal, which they may make and alter at pleasure, and be capable in law of receiving by gift, subscription, bequest, will, donation or devise, and of purchasing, holding and conveying any real estate or personal property whatever, for the purpose of founding, establishing and conducting any such college, seminary, academy, or other institution of learning.

Stock to be subscribed.

Articles of association what to set forth.

Articles, with affidavit annexed, to be filed with Sec'y of State.

Body corporate.

Certified  
copy of arti-  
cles and affi-  
davit made  
evidence.

Sec. 2. A copy of any such articles of association, filed in pursuance of this act, with a copy of the affidavit annexed thereto, and certified by the Secretary of State to be a copy, shall, in all courts and places, be presumptive evidence of the incorporation of such institution, and of all the facts therein stated.

Powers, &c.,  
of the trust-  
ees of col-  
lege, &c.

Sec. 3. The trustees of any college or seminary, incorporated under the provisions of this act, besides the general powers and privileges of a corporation, shall have power:

1st. To elect their own chairman or clerk;

Fill vacancy.

2d. Upon the death, resignation, or other vacancy in the office of any trustee, to elect another in his place;

Declare va-  
cancy.

3d. To declare vacant the seat of any trustee who shall absent himself from five successive meetings of the board;

Gifts pro-  
perty.

4th. To take and hold, by gift, grant or devise, any real or personal property, the annual income or revenue of which shall not exceed twenty-five thousand dollars;

Sell, &c.

5th. To sell, mortgage, let, or otherwise use such property, in such manner as they shall deem most conducive to the educational interests of such corporation;

No religious  
test.

6th. To direct and prescribe the course of study and discipline to be observed in the college, seminary, or academy: *Provided*, That no religious test whatever shall be required of any pupil in such institution;

Appoint  
officers and  
agents.

7th. To appoint a president, professors, tutors, and such other officers and agents as they may deem necessary, who shall hold their offices during the pleasure of the trustees;

Literary  
honors may  
be confer-  
red.

8th. To grant such literary honors as are usually granted by any such college, or similar institutions in the United States, and in testimony thereof to give suitable diplomas, under their seal, and the signatures of such officers of the institution as they may deem expedient: *Provided*, That the course of study pursued in such college, be in all respects as thorough and comprehensive as is usually pursued in similar institutions in the United States;

Fix salaries.

9th. To ascertain and fix the salaries of the president, professors, and other officers and agents;

Make by-  
laws.

10th. And to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.

Effect of di-  
ploma.

Sec. 4. Every diploma granted by such trustees, shall entitle the pos-

cessor to all the immunities which, by usage or statute, are allowed to possessors of similar diplomas, granted by any similar institution in the United States.

Sec. 5. The trustees of any academy incorporated under the provisions of this act, besides the general powers and privileges of a corporation, shall have power: Powers, &c., of trustees of academy.

1st. To take and hold, by gift, grant, subscription, bequest or devise, any property, personal or real, the annual income or revenue of which shall not exceed four thousand dollars; Hold property.

2d. To sell, mortgage, let, or otherwise use and dispose of such property, for the benefit of such academy; Sell, &c.

3d. To direct and prescribe the course of study and discipline, in such academy;

4th. To appoint a treasurer, clerk, principal, and such other officers and agents as they shall deem necessary, who shall hold their offices during the pleasure of the trustees; To appoint officers and agents.

5th. To ascertain and fix the salaries of all the officers of the academy; Fix salaries.

6th. To make all ordinances and by-laws necessary to carry into effect the foregoing powers. Make by-laws.

Sec. 6. Any institution incorporated under the provisions of this act, shall be always subject to the visitation and examination of the Superintendent of Public Instruction, and also to a board of visitors, [three in number,] to be annually appointed by said Superintendent; and said visitors shall report to said Superintendent as soon after an examination as practicable. Institution to be subject to visitation, &c.

Sec. 7. The trustees of any institution incorporated under the provisions of this act, shall apply all funds and property belonging thereto, according to their best judgment, to the promotion of its objects and interests: *Provided*, That any gift, bequest or donation to such institution for any specific object, shall be faithfully applied to the object specified by such donor. Funds, &c. to be applied.

Sec. 8. The trustees of any institution incorporated under the provisions of this act, may require the treasurer, and all other officers and agents, before entering upon the duties of their respective offices, to give bonds and securities in such sums as they may deem proper and sufficient. Officers may be required to give &c., &c.

Trustees to  
make re-  
port.

Sec. 9. Such trustees shall be required, on or before the first day of December annually, to report to the Superintendent of Public Instruction, a statement of the name of each trustee, officer, teacher and student of such institution, with a statement of its property, the amount of stock subscribed, donated and bequeathed, and the amount actually paid in, and such other information as will tend to exhibit its condition and operations. And said trustees shall be severally and jointly liable for all the labor performed for the corporation; but no execution shall issue against any trustee, till an execution against the corporation shall have been returned unsatisfied, in whole or in part; and no such trustee shall be thus liable, unless suit for the collection of such debt shall have been brought against said corporation within one year after such debt shall have become due.

Liability of  
trustees for  
labor per-  
formed.

Service of  
process on  
corporation.

Sec. 10. Service of legal process on any such corporation, may be made on any one of the trustees thereof, if such trustee be in the county in which the institution is located; but if not, then by leaving a copy of such process with any officer in the employ thereof, at its principal place of business.

Existing in-  
stitutions  
may become  
incorporated  
under this act.

Sec. 11. Any institution of learning now in existence in this State, whether incorporated or not, shall be entitled to all the benefits of this act, by complying with the provisions of this act; and may by a vote of the majority of such corporation or unincorporated company or association, to be taken according to the act of incorporation, by-laws, or other legal regulations thereof, determine to avail itself of the provisions of this act, and to take and assume corporate name and powers thereunder, and may by a like vote transfer to such corporation, formed under this act, all its property, both real, personal and mixed; and thereupon said corporation, to which such property is so transferred, shall take the same in the same manner, to the same extent, and with the like effect as the same was previously owned and held by the corporation, company, or association so transferring the same, and may, in its own corporate name sue for and collect all debts, dues, demands, subscriptions, devises, and bequests thereof. The said corporation so taking such property as aforesaid, shall take the same subject to all liens, trusts, and limitations, both legal and equitable, to which the same was subject before such transfer, and shall also be liable for all the debts and obligations of such previ-

Rights and  
powers of  
such new  
incorpora-  
tion.

Liability of  
the



any corporation, company or association, and shall pay the same to the full extent of the value of such property at the time of so taking the same.

Sec. 12. Nothing in this act shall be construed as granting banking powers, or as allowing the business of brokerage, or any other powers not usually granted to, or exercised by institutions for educational purposes. Banking powers prohibited.

This act shall take effect immediately.

Approved February 9, 1855.

[ No. 40. ]

AN ACT to provide for the formation of companies for running, driving, booming and rafting logs, timber and lumber, and for regulating the floatage thereof.

SUMMARY 1. *The People of the State of Michigan enact, That* any number of persons, not less than five, may be formed into a corporation for the purpose of running, driving, booming and rafting logs, timber and lumber, on any of the streams or waters within this State, by complying with the following requirements: Notice shall be given in at least one newspaper printed in the county, or in some one of the counties in which said stream or waters may be, and if there be no newspaper printed in such county or counties, then such notice shall be printed in some newspaper of some adjoining county, having circulation in said county or counties, of the time and place where all persons desirous of forming such company, may meet and subscribe articles of association, and elect directors of such company; in which articles of association shall be set forth the name of the company, the number of years the same is to be continued, which shall not exceed thirty years from the date of said articles, the Corporation, how formed, notice. and names of the directors, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected; the stream or waters upon which the business of said company is intended to be done, and the place within this State where the business office of said company shall be kept. Business office.

Sec. 2. Each subscriber to such articles of association shall subscribe thereto his name and place of residence. The said articles of association Articles of association to be subscribed.

## LAWS OF MICHIGAN.

election may be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall from time to time associate with them, shall be a body corporate, by the name specified in such articles, and as such, shall be capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring, by gift, grant, lease, or otherwise, and holding any lands, tenements or hereditaments, necessary to be used in the prosecution of said business, or for the erection of offices, houses, or other buildings, necessary and proper for carrying on the business of said corporation. A copy of any articles of association, filed in pursuance of this section, with a copy of an affidavit made by at least two of the directors named therein, setting forth that all prior proceedings of said association had been in strict conformity with all the provisions of this act, endorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy of the whole of such articles of association and of such affidavit, shall be in all courts and places presumptive evidence of the incorporation of such company, and the facts therein stated.

Sec. 3. The business and property of such company shall be under the management and direction of a board of directors, composed of not less than three nor more than seven, who, after the first year, shall be elected annually at such time and place, and such notice of the election as the by-laws shall prescribe, not less than thirty days previous to said election, and who shall hold their office until their successors are elected. The said board may elect from their number a president, and appoint a treasurer, who shall give such bonds as the board of directors may require, and a secretary; and in case any vacancy shall occur in said board, the remaining directors may elect any member of said company to fill said vacancy, as director for the remainder of the term, and until their successors are elected; and in case said annual election of directors, from any cause, shall not be held at the time appointed, it shall be proper to hold the same at any time thereafter, upon giving like notice. The said board of directors shall have full power and authority to appoint all agents and attorneys needful and proper, in the prosecution of the business or affairs of the company; to assess and collect all rates, dues, and sums of money of the members of said company, by demand,

Body corporate.

Copy of articles, with affidavit, to be filed with Secretary of State.

Certified copy of articles and affidavit made evidence.

Board of directors, and election thereof.

President, treasurer, & secretary, may be elected, &c.

Vacancy, how filled.

Authority of board of directors.

said, or otherwise, in any place, court or jurisdiction, according to law and the provisions of the articles of association, rules and by-laws of said association, or the directors thereof.

Sec. 4. Such corporations shall have authority to make and construct all proper and necessary roll-ways, booms, piers, and other constructions, along said stream or waters, for the running, driving, booming, rafting or securing said logs, timber or lumber: *Provided*, That in all cases the consent of the riparian owner or occupants of any lands whereon such roll-ways, booms, piers, or other constructions are intended to be made, shall first have been obtained: *And provided also*, That no such roll-way, boom, pier, or other construction, shall interrupt or hinder the free use, navigation, or floatage upon such stream or waters, by the public or any person interested in the same, to be so constructed as to infringe upon the rights of individuals.

May construct roll-ways, &c.

Consent of riparian owner to be obtained.

Not to obstruct navigation.

Sec. 5. Any person owning logs, timber or lumber, intended to be run or driven upon said stream or waters, or interested in running, driving, booming or rafting the same, may become a member of this corporation, upon application, by signing the articles of said company, and paying his just proportion of the expense of managing and conducting its affairs: *Provided*, Nothing in this act contained shall be so construed as in any manner to prevent or hinder any person or persons from running, driving, booming or rafting their own logs, timber or lumber, at such time and in such manner as their interest may require: *Provided also*, That all persons owning, running, driving, rafting or booming any logs, timber or lumber, in or upon such stream or waters, shall not leave them in such a situation as to obstruct the floatage or navigation, or clearing the banks of such stream or waters, [or] in any manner thereby deprive individuals or the public of their natural privileges.

Person owning logs, &c., may become member.

Any person may run his own logs, &c.

Not to obstruct navigation.

Sec. 6. If any person or persons shall put or cause to be put into said stream or waters any logs, timber or lumber, and shall not make adequate provision; and put on sufficient force for breaking roll-ways and jams of such logs, timber or lumber, in or upon such stream or waters, or for running, driving, booming, rafting, securing or clearing the banks of the same, and thereby obstruct the floatage, or navigation, or clearing the banks of such stream or waters, it shall be lawful for such company to cause such roll-ways or jams to be broken, and such logs, timber or lumber, to be run, driven, boomed, rafted, secured or cleared

Roll-ways & jams must be broken, and banks cleared, &c.

Or the same may be done at the expense of owner, by sale of logs, &c.

from the banks of such stream or waters at the charge and expense of the person or persons owning said logs, timber or lumber; and said company shall have a lien upon such quantity of said logs, timber or lumber, as shall be sufficient to pay and satisfy all just and reasonable charges against the same, proportionate to their number, quantity, and the expense of running and securing the same as aforesaid, and may sell at public auction, on not less than ten days notice, either personally served upon such owner, or posted in three or more conspicuous places, in the township where such logs are held; and in either case, by posting a like notice also in the office of such company, of the mark, description, and supposed owner of such logs, timber, or lumber, and the amount of the charges for which the same is to be sold, a sufficient quantity of such logs, timber or lumber, to satisfy said claim, charge or demand, with the expense of such sale.

Notice of sale, how given.

Individual liability, &c.

Sec. 7. Each member of said company shall be individually liable to pay and satisfy all debts and obligations of said company, and said company shall have a lien on all logs, timber or lumber, run, driven, boomed, rafted, cleared from the banks, or secured by said company, whether of its members, or other person or persons whose logs, timber, or lumber, have been run, driven, boomed, rafted, cleared from the banks, or secured by virtue of any contract to that purpose by and between said person or persons and said company, and may sell the same on not less than thirty days notice, made and published in like manner and to the like effect as provided for in the preceding section, unless otherwise provided by contract.

To have lien on logs, lumber, &c.

List of names and marks to be posted in office, &c.

Sec. 8. The said company shall keep posted in some conspicuous place in the office thereof, a list of the names of all the members thereof, and of all the persons whose logs, timber or lumber they have contracted to run, drive, boom, raft, clear from the banks, or secure, with a description of each mark or marks intended to be used upon such logs, timber or lumber, so far as the same may be known. And if any other person or persons owning or interested in the running and securing of any logs, timber or lumber on such streams or waters, shall furnish to the secretary of such companies a like list of the name, residence and mark or marks of such person or persons, the secretary shall post the same in like manner as herein provided; and every such person shall be entitled to thirty days notice in all cases provided for in section six of this act, to

be given in the same manner as otherwise provided. And every such company, and every person owning or interested in the running and securing, as aforesaid, any logs, timber or lumber on such stream or waters, shall cause to be filed in the office of the clerk of the county in which the mouth of such stream or waters may be, the name, residence, and every mark used or intended to be used by such company or person.

Name and marks to be filed with Co. clerk.

This act shall take effect immediately.

Approved February 9, 1855.

[ No. 41. ]

AN ACT to amend an act entitled "an act to incorporate the village of Romeo."

SECTION 1. *The People of the State of Michigan enact, That said act be amended by striking out sections seven (7,) eight (8,) nine (9,) ten (10,) eleven (11,) twelve (12,) and thirteen (13,) and by inserting in lieu thereof the following, to-wit:*

"Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations for the government of said village, and the same to alter, repeal or re-ordain at pleasure, and to provide in said by-laws for the election of a treasurer, two assessors, a village marshal and other subordinate officers, which may be thought necessary for the good government and well being of said village; to prescribe their duties, declare their qualifications and determine the period of their appointment, and the fees they shall be entitled to receive for their services, and to require of them to take an oath or affirmation, faithfully and impartially to discharge the duties of their respective offices, and may require of each of them such security, by bond, for the faithful performance of the duties of their respective offices as shall by them be thought expedient, which bond shall run to the treasurer of said corporation, and his successors in office; and the treasurer, or his successors, shall have power to sue for all breaches of the same, before any justice of the peace, or other proper court having jurisdiction in like cases; and no officer shall hold his office more than one year, or until others are elected or appointed, and qualified; and that no by-laws or ordinances of said corporation shall have effect until the same shall be published."

Powers of president & trustees to make by-laws, &c.

To prescribe the duties and fees of certain officers.

Oath of officers.

Bond.

Term of office. By-laws to be published.

have been published three weeks successively in a newspaper printed in said county, or by notices posted up in three of the most public places in said village; to prohibit the running at large of swine, horses, cattle, mules, geese and sheep, within the limits of said village; to regulate the building of partition and other fences; to purchase fire-engines and other necessary apparatus for the extinguishment of fires; to cause each and every building occupied as a dwelling, store, office, or mechanical shop, to be provided with fire buckets; to prescribe the manner in which stoves with their pipes in actual use, and chimneys, shall be put up to guard against fire; to remove nuisances; to grade and pave the streets, lanes and alleys, to determine the width of sidewalks, and cause the same to be made; to lay out new streets, lanes and alleys, and extend such as are already laid out: *Provided*, The land of any individual shall not be taken for such purpose, until such individual shall be paid therefor, the value thereof, to be ascertained by twelve freeholders, being residents of said county, to be summoned by the marshal for that purpose, who shall thereupon proceed to appraise the value of said property, being first sworn by an officer competent to administer oaths, well and truly, and without partiality or favor, to value the property to be taken and the damages to the owner aforesaid, and report the same to the president, or in his absence to one of the trustees; to keep the public highways and bridges within the incorporate limits in repair; to cause the streets, alleys, sidewalks, and public highways to be kept free from obstructions; to lay taxes on all personal and real estate, within the limits of said village, excepting property belonging to said village, town, county or State, also, places of public worship belonging to any church or congregation, all school-houses, and all property belonging to literary institutions: *Provided*, That whenever it shall be necessary to grade or pave any street, lane, alley or sidewalk, the expense thereof shall be assessed by the said president and trustees, on all property benefited by such improvements; but no one of said improvements shall be made unless the individuals owning more than one-half of the property to be assessed for the same, shall petition the president and trustees for that purpose.

Regulation  
of animals  
running at  
large.

To provide  
against fire.

To regulate  
streets, &c.

How indi-  
vidual prop-  
erty to be tak-  
en, &c.

To repair  
highways,  
bridges, &c.

Taxes

Restrictions.

Fines and  
penalties  
imposed for  
violation of  
by-laws, &c.

"Sec. 8. The president and trustees of said village shall have power to impose such reasonable fines and penalties as they shall deem proper, for the violation of any by-laws, rules, or regulations of said corpora-

tion; and when any penalty or fine shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in said county; and any interest the inhabitants of said village of Romeo, as a body corporate, may have in the fine or penalty to be recovered, shall not disqualify said inhabitant to try said cause, or serve as a juror, or be a witness therein; and the circuit court of said county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

*Citizens not incompetent as witnesses or jurors.*

"Sec. 9. The freeholders of said village, in legal meeting assembled, shall have power to lay taxes on all personal and real estate within the limits of said corporation, not exceeding one-half of one per cent. upon said estate in any one year; and all taxes so levied upon real estate, and all assessments made thereon, by the president and trustees for opening or continuing a street, lane, alley or sidewalk, the same shall remain a lien on said real estate until paid.

*Freeholders may levy taxes, &c.*

"Sec. 10. The president and trustees shall, at the expiration of each year, cause to be made out and signed by the president, attested by the clerk, and published in some newspaper printed in said village, if one shall be printed therein, and if not, to be posted up in three of the most public places in said village, a true statement of the receipts and expenditures of the preceding year.

*Report of receipts and expenditures to be made and published.*

"Sec. 11. No by-laws or ordinances of said corporation shall have effect until the same shall have been published three weeks successively in a newspaper printed in said county, or by notices posted up in at least three of the most public places in said village, and an affidavit of said publication in the manner aforesaid, entered by the clerk upon the records of said corporation, and the record thereof shall be deemed prima facie evidence of such publication.

*By-laws when to take effect.*

*Proof of publication.*

"Sec. 12. It shall be the duty of the trustees, once in each year, and immediately after the assessors have assessed the real and personal estate in said village, to estimate, apportion, and set down, in a separate column, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the collector of said village, with a warrant annexed to the same, under the hands and seals of said trustees, or a majority of them, directed to and requiring him to collect from the several persons named in said roll, the

*Duty of trustees to estimate and apportion taxes.*

*Warrant for collection.*

When distress & sale to be made.

several sums mentioned therein, set opposite to their respective names, as the tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money when collected to the treasurer of said village, by a certain day, to be therein named, not less than forty days from the date of such warrant; and in case the goods and chattels distrained shall be sold for more than the amount of the tax or assessment, with the charges of such distress and sale, the surplus shall be paid to the owner of said goods and chattels on demand.

When and how real estate shall be sold for taxes.

"Sec. 13. The tax upon real and personal estate, with all assessments for the purposes named in the ninth section of this act, shall be put down in said assessment roll, in a column by itself; and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of fourteen per cent. per annum until paid, shall remain unpaid for two years from the date of the warrant, the treasurer of the said village shall cause so much of the land charged with such tax and assessment, and interest, to be sold at public auction, at some public house in said village, to the highest bidder, as shall be necessary to pay the said taxes, assessments and interest, together with all charges thereon, first giving at least four months notice of the time and place of such sale, by advertisement printed in some newspaper within the county, or by notices posted up in three of the most public places in said village; and an affidavit of said publication, recorded in the manner prescribed in the eleventh section of this act, and its record, shall be deemed prima facie evidence of its publication.

Notice of sale and evidence thereof.

Treasurer to sell lands, and give certificate.

"Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and if the person claiming title to the said lands described in the said certificate, shall not, within two years from the date thereof, pay to the treasurer,

Redemption of lands.



for the use of, the purchaser, his, her or their administrators, executors or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per cent. per annum from the date of such certificate, the treasurer, or his successor in office, shall, at the expiration of the two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate, in fee simple, subject to all the claims the State shall have thereon: *Provided*, That no such conveyance shall have any effect in the law, unless such sale and all the proceedings upon which the same is founded, shall be in all things in conformity with the provisions of this act.

Treasurer to convey land at expiration of two years, and effect of conveyance.

1. "Sec. 15. The treasurer of said village shall receive the same fees as are allowed by law to the county treasurer for like services; and the expenses in advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are charged upon lands and unpaid, in proportion to the amount of each person's tax so charged and unpaid.

Fees of treasurer; expenses to be added to tax.

"Sec. 16. The said corporation shall be allowed the use of the common jail in the county of Macomb, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases."

Corporation to have use of county jail, &c.

Sec. 2. And that sections fifteen and sixteen, of said act incorporating the said village of Romeo, be numbered seventeen and eighteen.

Sec. 3. This act shall take effect immediately.

Approved February 9, 1855.

[ No. 42. ]

AN ACT to supply the township school libraries of the State, with the Michigan Journal of Education and Teachers' Magazine.

SECTION 1. *The People of the State of Michigan enact*, That the Superintendent of Public Instruction be and he is hereby authorized to subscribe for two copies of the periodical entitled the Michigan Journal of Education and Teachers' Magazine, published under the direction of the State Teachers' Association, one copy to be sent monthly to each township clerk in the State, to belong to the township school library,

Copies of Journal and Magazine to be furnished each township library.

How for-  
warded.

One copy to  
be bound.

Subscription; how  
paid.

and to be preserved in said library; such subscription to begin with the January number of the present year (and to continue through two years) the price of such subscription to be one dollar per annum for each copy, one copy to be forwarded postage paid by the publisher to said township clerks, the other copy to be delivered and preserved in such manner as the said Superintendent shall direct until the end of the year, and then be plainly and substantially bound, at a cost not exceeding twenty-five cents a volume, and then to be forwarded to the said township clerks.

Sec. 2. Upon making such subscription, said Superintendent shall make and deliver to the publisher of said Journal of Education quarterly, his certificate in writing, stating the number of copies subscribed for and sent or delivered as aforesaid, and the amount due therefor at the time of making the certificate, at the rate of such subscription; and the Auditor General, on presentation to him of said certificate, shall draw his warrant upon the State Treasurer for the amount named in said certificate, and said Treasurer is directed to pay the amount of the said warrant to the holder thereof out of any moneys in the Treasury not otherwise appropriated.

Sec. 3. This act shall take effect immediately.

Approved February 9, 1855.

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[ No. 43. ]

AN ACT to provide for the collection of taxes in the town of Buena Vista, in the county of Saginaw, for the year eighteen hundred and fifty-four, and to extend the time for the collection thereof.

Tax roll is-  
sued.

SECTION 1. *The People of the State of Michigan enact, That* the tax roll of the township of Buena Vista, in the county of Saginaw, for the year eighteen hundred and fifty-four, be and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the township treasurer at the time prescribed by law.

Treasurer to  
file bond.

Sec. 2. That the treasurer of said township file his bond, as required by law, within five days after the reception of said roll, and before he proceeds to the collection of the taxes.

Time extended.

Sec. 3. That the time for the collection of said taxes be extended to

the tenth day of May next, and that the said treasurer make return as provided by law in other cases, on or before the tenth day of June next.

Sec. 4. That the county treasurer shall have the same length of time to make his return to the Auditor General of the delinquent taxes in said township, after the township treasurers' returns to him, as is now provided by law, and the same proceedings shall be had thereon, in all respects. Time allowed county treasurer to make return.

Sec. 5. This act shall take effect immediately.

Approved February 9, 1855.

[ No. 44. ]

AN ACT to legalize the organization of the township of Emmet, in St. Clair county, and to set off and organize therefrom the township of Kenoskee.

SECTION 1. *The People of the State of Michigan enact, That* the organization of the township of Emmet, in the county of St. Clair, be and the same is hereby legalized and made of full and lawful effect, to all intents and purposes of said organization. Emmet township legalized.

Sec. 2. All that part of the township of Emmet, in St. Clair county, described as town seven north, of range fifteen east, is hereby set off and organized into a separate township by the name of Kenoskee, and the first township meeting shall be held at the house of Luther Ward, in said township. Kenoskee township set off and organized.

This act shall take effect immediately.

Approved February 9, 1855.

[ No. 45. ]

AN ACT to incorporate the village of Albion.

SECTION 1. *The People of the State of Michigan enact, That* so much of the townships of Albion and Sheridan, in the county of Calhoun, as is included in the following boundaries, to wit: commencing at the south-east corner of section thirty-five, in the township of Sheridan, and running thence north on the east line of said section, eighty rods; thence westerly to the north-east corner of Superior street; thence north Boundaries of village.

twenty rods; thence westerly and parallel to the Marshall road, to a point twenty rods north of the north-west corner of lands now owned by George K. Smith; thence southerly and parallel to the east line of section thirty-four, in the township of Sheridan, and thence in the township of Albion to the east margin of the stream of the south branch of the Kalamazoo River; thence down the east margin of said stream to where it intersects the east branch; thence up and along the south margin of said east branch of the Kalamazoo River, to the east line of section two, in Albion; thence north on the east line of said section two to the place of beginning, shall be and the same is hereby constituted a town corporate, by the name and title of the village of Albion.

**Corporate name.**

**Officers, and their elect'n.**

Sec. 2. The officers of said village shall consist of a president, recorder, treasurer, marshal, street commissioner, attorney, six trustees, and two assessors, who shall be elected by a plurality of votes, by ballot of the inhabitants of said village having the qualifications of electors, under the constitution of this State; and the common council of said village are hereby authorized to appoint such other officers as may be necessary, under the provisions of this act.

**Time and place of election.**

The election of officers herein provided for, shall be held in said village, at the red school house, on the second Monday in March, in the year eighteen hundred and fifty-five, and on the second Monday in March, in each year thereafter, at such place as may be appointed by the common council.

**Manner of conducting election.**

The polls of such election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall be continued until three o'clock in the afternoon of the same day, and no longer. The name of each elector voting at such election, shall be written in a poll list, to be kept at such election by the common council; after the close of the polls at such election, the common council shall proceed without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president or recorder, if present, and if not, then some other member of the common council shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled

**Canvass.**

up or folded together, they shall not be estimated; and thereupon the common council present at such election, shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate, the same day, or the next

day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass; and the person having the greatest number of votes shall be declared duly elected: *Provided*, If it shall happen that two or more persons shall have an equal number of votes for the same office, so that no election shall be had, a new election shall be had for such officers as shall have had such equal number of votes: *Provided also*, That at the first election, any two justices of the peace residing in said township of Albion, with the town clerk, shall form the board of election, and the clerk shall be the recorder at such election, and they shall canvass the votes and certify the result, in the same manner that the common council are required to do by this act.

When vote  
a tie, new  
elect'n shall  
be had.

Board of  
election.

Sec. 3. It shall be the duty of the recorder of said village to give ten days public notice in writing, in three public places in said village, and by publishing the same for two weeks, in some newspaper, (if any is published in said village,) previous to the time of holding such election, of the time and place of holding all elections, both annual and special, in said village; and every person offering to vote at such election, [before he shall be permitted to vote,] shall, if required by any elector of said village, take an oath complying with the constitutional qualification of an elector, as required by article seventh, section one, of the constitution of this State, and as required by the laws of this State.

Notice of  
election.

Oath of voter  
when  
challenged.

Sec. 4. The president or recorder of said village is hereby authorized to administer the oath to electors, contemplated by the third section of this act: and any person who shall knowingly and falsely take such oath, shall be deemed guilty of perjury, and on conviction thereof, shall be liable to the same fines and penalties as are provided for the punishment of that crime by the laws of this State.

Who may  
administer  
oath.

Punishment  
for swearing  
falsely.

Sec. 5. The president, recorder, and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "the common council of the village of Albion," and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of this State, and in any other place whatsoever,

Body corporate.

May hold  
property,  
&c.

and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate for the use and benefit of said corporation.

Oath of of-  
ficers.

Sec. 6. The president, recorder, assessor, treasurer, and all officers provided for in this act, shall take and subscribe the constitutional oath before the recorder, or some judge, circuit court commissioner, notary public or justice of the peace, and file the same with the recorder, within two days after notice of their election or appointment, and within ten days after such election or appointment, and the recorder is hereby authorized to administer such oath.

Certain off-  
icers to give  
bonds.

Sec. 7. The recorder, marshal and treasurer shall severally give bonds to the common council, in the penal sum of one thousand dollars, conditioned for the faithful performance of their duties, before entering upon the duties of their respective offices, with two or more sufficient sureties, to be approved by the common council, and the marshal and treasurer shall file the same in the office of the recorder, but the recorder shall file his bond with the treasurer.

Term of of-  
fice.

Sec. 8. The president and trustees shall hold their offices for two years and until others are elected and qualified. At the first election held after the passage of this act, six trustees shall be elected, and six ballots shall be made, three of which shall have written thereon the words "one year," and three the words "two years," and each of said trustees so elected at such election, shall therefrom draw out of said box one of said ballots, and shall hold his office one or two years, as shall be indicated by the ballot by him drawn, and in each year thereafter three trustees shall be annually elected.

Classifica-  
tion.

Certain off-  
icers to hold  
one year.

Sec. 9. The assessor, marshal, street commissioner, attorney, treasurer, and such other officers as shall be appointed by the common council, shall hold their offices for one year, and until others are elected or appointed and qualified.

Common  
Council.

Sec. 10. The president, recorder and trustees, when assembled together and organized, shall constitute the common council of the village of Albion, and the majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his

absence, the recorder may appoint, and shall have power to impose, levy Meetings and fines for non-attendance. and collect such fines as they may deem proper, for the non-attendance of the members of said council, or of any officers whose attendance is required: *Provided*, No such fine shall exceed the sum of five dollars for any one offence.

Sec. 11. In case of the death, resignation or removal of any of the Vacancy; how filled. officers provided for in this act, such vacancy shall be announced to the members of the common council by the president or recorder; and the said council shall thereupon convene as soon as may be, and order an election to be held to fill such vacancy, at any time within one month, and not less than one week after such vacancy has occurred; and the same notice shall be given of such election, and the same shall be conducted in the same manner as is provided for annual elections: *Provided however*, That the common council shall have power to fill vacancies When common council may fill vacancy. that may occur in any of the offices except trustees, if within three months of the annual election. Every appointment so made by them shall be by resolution, duly recorded, and a certificate of such appointment, signed by the president, shall be filed with the recorder, and the officers so appointed shall be qualified as aforesaid, and perform the duties of their respective offices.

Sec. 12. The common council shall have power to remove at pleasure, any officers by them appointed. Common council may remove certain officers.

Sec. 13. The common council shall have power to make by-laws or ordinances, relative to, and regulating the duties, powers and fees of the marshal, treasurer, assessors and other officers; relative to the time and manner of working upon the streets, lanes and alleys; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; relative to the manner of grading, railing, planking and paving all sidewalks in said village, and to setting and providing posts and shade trees in all streets, lanes and alleys in said village; to lay out, grade and repair all streets, lanes and alleys, and to construct, make and repair all bridges in said village, and for preventing the same from being obstructed; and for the prevention and abatement of nuisances within said village. By-laws relative to streets, sidewalks, &c., may be made.

Sec. 14. The common council shall have power to make all such by-laws as may be necessary to secure the said village and the inhabitants thereof, against injuries by fire, and to prevent persons from violating To prevent fires, riots, gambling, &c.

the public peace, for the suppression of riots, gambling and other disorderly conduct, and for the punishment of the same; for the apprehension and punishment of all drunkards, vagrants and idle persons; and they shall have power to make all such by-laws and ordinances as to them shall seem necessary, for the safety and good government of said village and the inhabitants thereof, and to impose all fines and penalties and forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

To impose  
fines, &c.

Duties of  
President.

Sec. 15. It shall be the duty of the president to preside at all meetings of the common council, and to attend at the annual election of the officers; the president shall sign all licenses and warrants issued by order of the common council, and countersign all orders drawn upon the treasurer of said village.

Duties of  
Recorder.

Sec. 16. The recorder shall attend all meetings of the common council, and keep an accurate and fair record of their proceedings; and in the absence of the president, to preside and perform his duties, or the common council may appoint a president *pro tempore*.

Ibid.

Sec. 17. The recorder shall, within five days after the closing of the polls of any election, notify the officers respectively, of their election.

Recorder to  
hold office  
two years,  
and to be  
police jus-  
tice.

Sec. 18. The recorder shall be elected and hold his office for two years, and shall be a police justice of the peace, and shall have cognizance of all matters arising under and by virtue of this act of incorporation, and the ordinances and by-laws made by the common council in virtue thereof, and may issue all summonses, warrants, executions, or other processes to enforce the same, and proper judgments thereon to render, and in like manner, and with like effect as may be done by any other justice of the peace by the laws of this State; and all processes by him issued shall be tested and returnable in the same manner, and returnable with the like effect, and the proceedings by them shall conform to, and be conducted in like manner, as is provided for and applicable to justices of the peace by the laws of this State.

Common  
council may  
grant cert'n  
licenses.

Sec. 19. The common council shall have the exclusive power and authority, within the provisions of the laws of this State, to license such persons as tavern keepers, and common victualers, as they may from time to time deem advisable and proper within said village, under such regulations and restrictions as the common council shall by public ordinance establish; and licenses provided for in this section shall expire on



the second Monday in April in each year. The common council shall have power to regulate the selling and measuring of fire-wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts for wood, hay and produce exposed for sale in said village, to prevent and punish persons for immoderate driving or riding in any of the streets, lanes or alleys of said village; to regulate and prohibit bathing in any public waters in said village; to prevent the encumbering or obstructing the sidewalks, public grounds or squares of said village; to provide for dykeing the Kalamazoo River or its branches, and clearing the same, within the limits of said village, of all wood, filth or other nuisances, and to regulate all grave yards for the burial of the dead in said village.

To make rules for weighing hay and measuring wood.

Prevent immoderate driving and other irregularities.

Kalamazoo river.

Sec. 20. The common council shall have power to establish the line upon which buildings may be erected, and beyond which buildings shall not extend; to establish and organize all such fire companies, hose and hook and ladder companies, and to provide them with the proper engines and other implements, as shall be necessary to extinguish fire, and preserve the property of the inhabitants from conflagration; to enrol and warn out so many of the inhabitants willing to accept the same, as firemen, as they shall think necessary: *Provided*, Such members shall not exceed sixty for any one company; and to provide suitable wells, cisterns, or other means for furnishing water to extinguish fires in said village.

Further power of common council. To form fire companies.

Sec. 21. The common council shall have power to establish a suitable pound, and to regulate the taking up and impounding animals, and to make such by-laws and ordinances relative to animals running at large in said village, as they shall think proper; to provide such regulations as are proper to preserve the health of the inhabitants of said village, and to prevent the spread of contagious diseases.

To establish and regulate a pound.

To preserve health of village.

Sec. 22. The common council shall have power and authority to levy assess and collect a money tax upon all real and personal property in said village; but such money tax upon said property, shall not exceed in any one year one-half of one per centum upon the valuation of said real and personal property; and said common council may also assess and collect a highway tax in addition to the money tax aforesaid not exceeding the rate of one day's work for every one hundred dollars valuation of such real and personal property; to levy and collect a poll tax upon

To assess taxes.

Poll tax.

every male inhabitant of said village over the age of twenty-one years, and under the age of fifty years, not exceeding seventy-five cents per annum, upon each person so taxed.

Common council may make drains and cause sidewalks, &c., to be made at expense of owner.

Sec. 23. The common council shall have power to construct all such drains in such village as they think the public good may require, and to compel the owner or occupant of land, at their own expense, to construct, make, grade, pave, plank, or gravel and curb, and rail all sidewalks adjoining such land, by ordinance with suitable penalties, or by assessing the same upon the said land, in the same manner as is provided herein for the assessment and collection of taxes; and the common council shall have full power and authority to cause such assessments to be collected in the same manner as is by this act provided for the collection of other taxes; and the common council may, at the expense of the said corporation, construct all walks, across all streets, lanes and alleys and public squares in said village.

To make out duplicate of assessment roll and assess the tax on thereon.

Sec. 24. The common council, from the original assessment roll, shall make a duplicate, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, and setting down in separate columns the amount of money tax, the amount of highway tax, and the amount of poll tax, which duplicate shall be signed by the president and recorder, and shall be delivered to the marshal, with the warrant thereto annexed, specifying the time within which the taxes therein named shall be collected, which time shall not exceed ninety days from the date of such warrant; but such time may be extended by a renewal of the warrant under the hand of the president and recorder, for a time not to exceed one hundred and fifty days from the date of the original warrant, and the marshal shall collect the same within the time specified in his warrant, and in such manner as the by-laws shall direct.

Warrant of collection.

Duties of common council relative to accounts, &c.

Sec. 25. The common council shall, at the expiration of each year, cause to be published a just and true account of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof, previous to which they shall settle and audit the accounts of all officers of the village, or other persons having claims against the corporation or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations

made by the common council, and the objects and purposes for which the same were made, and the moneys expended under such appropriations, the amount of tax raised, both money and highway and poll tax, and the amount expended upon highways, streets and bridges, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Sec. 26. The common council shall cause the expenses of opening and surveying all streets, to be paid as other contingent expenses of said village are paid. Expense of opening streets; how paid.

Sec. 27. Whenever the common council shall lay out any new streets, lanes or alleys, or alter any old one, if the person owning the land through which such street, lane or alley, when so laid out or altered shall pass, shall object thereto, and the common council cannot agree with such person as to the amount of damages to be paid for such right of way, the common council, or any person owning such land, his agent or attorney, may file a petition setting forth the line and boundary of such street, lane or alley, with the recorder, and the recorder shall thereupon appoint a day, not more than twelve nor less than six days from the filing of said petition, for the hearing of the same, and may, if either party require it, cause a jury of twelve disinterested freeholders to be summoned to hear and determine upon the necessity of using such property, and the amount of damages to be allowed, and verdict of the jury or judgment of the recorder, shall be conclusive as to the amount to be paid; and when the amount of said verdict or judgment shall be paid or tendered to the person entitled to the same after the right of appeal shall expire, the right of way described in said petition shall immediately vest in the common council: *Provided, however,* Either party may appeal to the circuit court, as in other cases, and in case of appeal, the judgment of the circuit court thereon shall be final; and the common council shall, on the filing of such petition, make an offer of the amount which they will give to such person so interested, and objecting for such right of way, and if the person shall not recover a judgment or verdict before the recorder for a greater sum, such person shall pay all the costs, and if the person shall recover more than the amount so offered, then the corporation shall be liable for and pay all costs; and if such case be appealed to the circuit court, then the right of way shall vest in the common council; upon the treasurer of said How damages shall be assessed when streets are laid out or altered. 4  
When right of way shall vest in common council.  
Parties may appeal.  
Council to make offer.  
Costs; by whom to be paid.

Security to  
be given.

village paying or tendering the amount of such judgment to the person entitled to the same, either party filing such petition as is provided for in this section, shall give security for all the costs that may accrue in the case, in such manner as securities are required to be given by the plaintiffs in civil cases before justices of the peace; and execution may issue to collect the amount thereof against such security, in case the party giving such security shall, by the judgment of the recorder or of the circuit court, in case the same is appealed, become liable to pay such costs. A profile of such street, lane or alley, describing the boundaries thereof, shall be filed in the office of the recorder, and a copy thereof filed in the office of the register of deeds of the county of Calhoun, duly attested by the recorder, under the seal of said common council.

Profile of  
streets, &c.  
to be filed  
with recorder.

Highway tax  
may be com-  
muted for.

Sec. 28. Any person assessed for highway tax in said village, may commute therefor by paying to the marshal of said village, at the time such person shall be required to work the same, at the rate of seventy-five cents for each day so assessed, and all highway taxes shall be estimated by the common council at the rate of seventy-five cents per day; and persons working upon the highway shall be required to work thereon not less than ten hours for one days work.

Penalty for  
obstructing  
streets or  
side-walks.

Sec. 29. Any person obstructing any street, lane or alley, in said village, or any part thereof used or to be used for side-walks, who shall neglect or refuse to remove such obstruction after one day's notice, shall forfeit and pay, for the use of said village, the sum of five dollars and costs of suit, for each day of such neglect or refusal to remove such obstruction; and the common council may forthwith, after such notice, cause such obstruction to be removed, at the expense of the person obstructing the same, or of any person interested in maintaining and keeping up such obstruction.

Obstruction  
to be re-  
moved.

Assessment  
roll, when  
made, and  
contents  
thereof.

Sec. 30. The assessors of said village shall, once in each year, and before the second Monday of April, make an assessment roll, containing a description of all the property, both real and personal, in said village, and the name of the owner or occupant or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be so made and completed, they shall give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper,

Notice when  
roll is com-  
pleted.

or by posting written notices in three public places in said village, stating the place where such roll is left for the inspection of all persons interested, and of the time when, and place where they will meet to hear the objections of any persons interested in the valuation so made by them; and at the time and place so appointed, the assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown on oath, to the satisfaction of the assessors, which oath the assessors are hereby authorized to administer; and if any person shall consider himself aggrieved by the final decision of the said assessors, such person shall have the right of appealing from such decision at any time within ten days thereafter to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation; and the common council may, at any time before the tax is collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or imperfectly described in such assessment roll.

When assessors to reduce the valuation.

When common council may reduce valuation.

Sec. 31. Every assessment of any tax lawfully imposed or levied by the common council, on any lands, tenements and hereditaments or premises whatever, in said village, shall be and remain a lien on such lands, tenements, hereditaments and premises, from the time of making such assessments or imposing such tax, until paid; and the owner or occupant, or parties interested respectively in said real estate, shall be liable upon demand to pay every such assessment or tax so made or imposed as aforesaid; and in default of the payment of such tax, or any part thereof, it shall be lawful for the marshal of said village to seize upon, remove and sell, the personal property of such owner or occupant, or to sell such real estate, sufficient to pay and satisfy such taxes and the charges which may accrue; and it shall be lawful for the marshal of said village, in default of the payment of any tax imposed by the common council upon any inhabitant of said village, or any person owning any property in said village, to levy upon, seize, remove and sell, the personal property of such inhabitant or person so owning such property, sufficient to pay and satisfy such tax and the costs of such levy and sale; all sales of personal property for taxes as herein provided for, shall be made in the same manner, and upon the like notice, as is prescribed by the laws of this State for constable sales.

Taxes to be a lien on premises.

Owner liable to pay tax.

When and how property may be sold for tax.

**Marshal to be police constable, to collect tax, serve process, &c.** **Sec. 32.** The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and perform such other services as may be required of him under and by virtue of this act, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services, and shall be entitled for and in the performance of his duties to the same privileges, and be subject to the same liabilities, as constables are entitled to and subject to, by the laws of this State.

**Fees.**

**Rights and liabilities.**

**Marshal to pay over money to treasurer.**

**Sec. 33.** The marshal shall pay over all moneys by him received, by virtue of his office as marshal of said village, belonging to said corporation, to the treasurer of said village, at such time and in such manner as the common council may direct.

**Drunken or disorderly persons to be arrested and punished.**

**Sec. 34.** It shall be the duty of the marshal to arrest any drunken and disorderly brawling or riotous person or persons, or any other person whom he may find within said village disturbing the peace of the inhabitants thereof, and to take such person or persons before the police justice of said village; and the said police justice shall thereupon proceed to hear, try and determine the matter, upon proof, in a summary manner, and upon conviction of such person or persons may sentence such person to pay a fine of not more than five dollars, and costs, or to be committed to imprisonment in the county jail not more than ten days, or both such fine and imprisonment at his discretion, and may further require such person to enter into recognizance in a sum not exceeding fifty dollars, to keep the peace, and for his good behavior for six months thereafter; and the sheriff of the county of Calhoun is hereby authorized and required to receive, and safely keep in jail such person so committed, such time as is prescribed in the warrant of commitment, upon the same terms as provided for similar offences by the laws of this State.

**General duties of marshal.**

**Sec. 35.** The marshal shall have the general supervision of the streets, lanes and alleys, and sidewalks in said village, under the direction of the common council, and shall see that the by-laws and ordinances of said village are duly and properly observed within said village, and shall perform such other duties as the common council may direct, and shall receive such compensation for such services as the common council shall allow.

Sec. 26. Whenever any real estate shall be sold by said marshal for taxes, notice thereof shall be published in a newspaper printed in said village, once in each week, for at least four weeks, or by posting written notices in three public places in said village, for at least four weeks; and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the amount for which it was sold, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to the said lands described in the sale or some person claiming an interest therein shall not within one year from the date thereof pay the treasurer of said village for deeds of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of ten per cent. per annum, from the date of such certificate and sale, the marshal or his successor in office, shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be prima facie evidence that the proceedings were regular, according to the provisions of this act, from the valuation of the land by the assessors to the date of the deed, inclusive; and every such conveyance executed by said marshal, under his hand and seal and witnessed and acknowledged by the proper officer, and recorded in the proper form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence; and all personal estate so sold, shall be sold in such manner as the common council may direct; and the common council may, upon satisfactory evidence upon oath, of the payment of any tax upon real estate, and that the same has been returned by mistake or otherwise improperly, or for any other irregularity in the return and sale of such real estate, cancel the certificate of sale before the same has been deeded, and may, thereupon draw a warrant upon the treasurer for the amount of the purchase money, and seven per cent. interest, and no deed shall thereupon be given upon such certificate of sale.

Notice of sale of land for taxes.

Certificate to be given to purchaser.

If not redeemed, deed to be given.

How personal property to be sold.

When sale of real estate may be canceled.

Sec. 27. Each fire, hose and hook and ladder company of said village, shall have power to appoint their own officers, pass by-laws for the

Regulation of the companies.

organisation and good government of said companies, subject to the approval of the common council, and impose and collect such fines for the non-attendance or neglect of duty of the members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such shall be exempt from serving on juries and working a poll tax on the highway or streets in said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engine, hose, ladder, and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, and as often as may be directed by said common council, for the purpose of working or examining said engine and other implements, with a view to their perfect order and good repair; upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing such fire, as in preventing any goods from being stolen, and also, in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire; and the common council shall have the power, for the more perfect organization of the fire department of said village, to appoint fire wardens, who shall be clothed with such powers, and be subject to such duties relative to the prevention of fires in said village, as the common council shall by ordinance direct; and the president, recorder and marshal of said village shall respectively have power to compel any bystanders at any fire in said village, to assist and aid in the extinguishing thereof; and any person neglecting or refusing obedience to the orders of said president, recorder or marshal, given at such fire for the purpose of aiding in the extinguishment of such fire, and securing the property of the inhabitants from conflagration, shall forfeit and pay to the use of said village, a sum not less than five, nor more than ten dollars for each offence.

*Duty of marshal in case of fire.*

*Fire wardens.*

*Penalty for disobedience at fire.*

*Taverns, &c., not to be kept without license.*

Sec. 38. Any person who shall keep an inn, or tavern, or common victualer's shop in said village of Albion, without being licensed therefor by the common council thereof, shall, on conviction thereof, forfeit and pay for the use of said village, the sum of one hundred dollars.

Sec. 39. The declaration in any suit instituted to recover any pen-



alty or penalties, forfeiture or forfeitures, incurred as provided for in this Declaration in suits for  
 act, may be in the following form, to-wit: "The common council of forfeitures.  
 the village of Albion complains of.....  
 and says that the said.....justly  
 owes to the said common council the sum of.....  
 .....dollars, for certain penalties and forfeitures  
 which the said.....has incurred and  
 is justly entitled to pay, by reason that the said.....  
 .....did, on the.....day of  
 .....in the year.....,  
 and at divers other times within one year last past, in the village of Al-  
 bion, in the county of Calhoun, in the State of Michigan, do and com-  
 mit certain acts in violation of the laws relating to the village of Albion  
 touching (here state the general nature of the act or acts complained of)  
 and therefore the said common council bring suit." And the defend-  
 ant may plead thereto as follows, to-wit: "The said.....Plea.  
 .....is not indebted to the said common council, as above  
 alleged;" and under such declaration evidence may be given of any vio- Evidence.  
 lation of the provisions of this act of incorporation, or of any by-law  
 or ordinance made in pursuance thereof, and judgment may be ren- Judgment to-  
 dered thereon for so many distinct violations of the provisions of said be rendered.  
 act or the said by-laws, or ordinances as shall be proven: *Provided*, Limitations.  
 No justice of the peace shall render judgment for a greater sum than  
 one hundred dollars in any one suit; and under such plea the defendant  
 may give any competent testimony in exemption of such charge. And Execution  
 the court before whom such suit is brought, and such judgment record- to issue  
 ed, may forthwith issue an execution against the goods and chattels of forthwith.  
 the defendant, and for want thereof against the body of the defendant,  
 in like manner and with like effect as similar executions may be issued  
 under the laws of this State: *Provided however*, That any such de- Stay of exe-  
 fendant may, by one or more sufficient sureties, within five days, stay cution.  
 such judgment and execution in the same manner, and with like effect  
 as other executions may be stayed by the laws of this State: *And pro- Appeal al-  
 vided also*, That such suit, if before a justice of the peace, may be ap- lowed.  
 pealed to the circuit court as in other cases.

Sec. 40. No person or persons shall exhibit within said village, any No circus,  
 circus, menagerie, theatre or theatrical performance, or common show, show, &c.,

to be exhib-  
ited without  
license.

without being first duly licensed therefor by the common council, under penalty of one hundred dollars for every offence, and to be imprisoned in the county jail for thirty days, and until such penalty shall be paid or he shall be discharged by law; and the common council shall in no case grant a license to any circus for a less sum than twenty-five dollars.

Persons of-  
fending to ex-  
hibit may  
be arrested,  
tried, and  
punished.

Sec. 41. Any person offering to exhibit any such circus, theatre, theatrical performances, menagerie or common shows, without such license, may be forthwith arrested by the marshal, or any constable residing in said county, and brought before any court having jurisdiction thereof; and upon conviction thereof, shall be fined the sum of one hundred dollars, and stand committed to the county jail until paid, or until he be discharged according to law.

Gambling,  
&c., punish-  
ed.

Sec. 42. Any person who shall keep any gambling house, or place of resort for persons to gamble, within said village, and all persons who shall resort to any such [place] and gamble, or for the purpose of gambling, shall forfeit and pay, for the use of said village, a sum not to exceed twenty-five dollars for each and every offence.

No person  
to be incom-  
petent as  
witness or  
juror by rea-  
son of citi-  
zenship.

Sec. 43. In all prosecutions, processes, and other proceedings, wherein the common council of said village shall be a party, no inhabitant or citizen of said village shall [be] deemed an incompetent juror or witness, on account of the interest of such inhabitant or citizen in the event of such proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village; whenever any action or suit shall be commenced against said corporation, the same shall be commenced by summons, which shall be served by leaving a copy thereof with the recorder, at his office, or in case of his absence therefrom, at his usual place of residence, at least six days before the return day thereof, and the recorder shall thereupon inform the common council thereof.

Summons  
against cor-  
poration, &  
service  
thereof.

How prose-  
cutions to  
be com-  
menced and  
conducted.

Sec. 44. In all prosecutions for fines, penalties or forfeitures, as is provided for in this act, the first process may be by warrant or summons, and shall be served and returnable in like manner, and the same proceedings may be had, as near as may be, as other proceedings of a similar kind, under the laws of this State; the police justice of said village, or any justice of the peace of the township of Albion, is hereby authorized and empowered to hear and determine all offences which

shall be committed within the limits of said village, against any of the provisions of this act, or against any of the by-laws or ordinances passed by the said common council in pursuance thereof, and to punish the offender or offenders, as is prescribed by this act, or by the by-laws or ordinances of said village: *Provided*, That any person arrested for violating any of the provisions aforesaid, may demand a trial by jury.

*Jury may be demanded.*

Sec. 45. The docket of the recorder, kept by him as police justice, shall be and remain a public record in his office, and shall be by him delivered over, together with all other books and papers belonging to the office of recorder, to his successor in office, and his successor in office shall be authorized to continue and complete all proceedings commenced by his predecessor in office, as such police justice.

*Docket of recorder to be delivered to his successor, &c.*

Sec. 46. The recorder, treasurer, marshal, assessors, attorney, street commissioner, and such other officers as may be appointed by the common council, shall receive such compensation for their services as the common council shall allow, but the president and trustees shall receive no pecuniary compensation.

*Compensation of officers.*

Sec. 47. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except as far as is herein otherwise provided.

*Liable to township government.*

Sec. 48. Before any by-laws or ordinances of said village shall take effect, it shall receive at least three insertions in a public newspaper printed in said village, if any newspaper is published therein, and if not, by posting written notices in three public places in said village, for three weeks; and the printed copy so published, or the written notice so posted, under the authority of the common council, shall be admitted as prima facie evidence thereof, in all courts in this State, when the same may come in question.

*By-laws not to take effect till published.*

This act shall take effect immediately.

Approved February 9, 1855.

[ No. 46. ]

AN ACT to provide for the withdrawal of stocks from the hands of the State Treasurer, in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer, upon the application of any bank of this State whose

*Exchange and transfer of stocks.*

Stocks may be given up on cancellation of bills, &c. But sufficient shall always be retained to secure notes & circulation.

bills or circulating notes are secured by a deposit of stocks, may, in his discretion, change or transfer such stocks for other stocks of the kind specified in their acts of incorporation respectively, or he may re-transfer the same to said bank, upon receiving and canceling an equal amount of such bills or circulating notes in such manner that the bills or circulating notes of such bank, not so received or canceled by him, shall always be and remain secured in full by stocks deposited, as in the respective charters of said banks is provided.

Approved February 9, 1855.

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[ No. 47. ]

AN ACT to authorize Charles C. Trowbridge to discharge a certain mortgage.

SECTION 1. *The People of the State of Michigan enact*, That Charles C. Trowbridge, late president of the Bank of Michigan, be and he is hereby authorized to discharge of record, a certain mortgage made by Sybrant Van Nest and Sally Van Nest, to the president and directors of the Bank of Michigan, bearing date the third day of July, one thousand eight hundred and thirty-nine, and recorded in the register's office of the county of Jackson, in liber four of mortgages, on page one hundred and eighty: *Provided*, He shall be satisfied that the same has been fully paid and ought to be so discharged.

This act shall take effect immediately.

Approved February 9, 1855.

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[ No. 48. ]

AN ACT to grant to the First Wesleyan Methodist Church in Lansing, a certain lot in the village of Lansing.

Patent to be issued when church is organized.

SECTION 1. *The People of the State of Michigan enact*, That the Governor be and he is hereby authorized to make, execute and deliver, to the trustees of the First Wesleyan Methodist Church in Lansing, a patent for lot number two, (2,) in block number two hundred and forty-five, (245,) according to the recorded plat of the village of Lansing,

85

LAWS OF MICHIGAN.

whenever said First Wesleyan Methodist Church shall be organized and incorporated, as provided by the revised statutes; entitled an act to run to the corporation so formed.

This act shall take effect immediately.

Approved February 9, 1855.

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[ No. 49. ]

AN ACT to organize the township of Arcada, in the county of Gratiot.

SECTION 1. *The People of the State of Michigan enact, That the surveyed township described as town eleven north, of range three west, in the county of Gratiot, be and the same is hereby organized into a township by the name of the township of Arcada, and the first township meeting therein shall be held at the house of L. C. Knapp, in said township.* Arcada organized.

This act shall take effect immediately.

Approved February 10, 1855.

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[ No. 50. ]

AN ACT to organize the township of Millington, in the county of Tuscola.

SECTION 1. *The People of the State of Michigan enact, That township ten north, of ranges eight and nine east, are hereby organized into a township by the name and style of Millington, and that the first township meeting be held at a house near the quarter post on the south side of section sixteen, in town ten north, of range eight east, on the third Tuesday of April next.* Millington organized.

This act shall take effect immediately.

Approved February 10, 1855.

OF MICHIGAN.

[No. 51.]

ghty, of chapter sixteen, in title four of eighteen hundred and forty-six.

*the State of Michigan enact*, That section four of the revised statutes of 1846, follows:

ected or appointed to the office of constable, duties of his office, and within the time

prescribed by law for filing his official oath, shall execute, with sufficient sureties, to be approved by the supervisor or clerk of his township, an instrument in writing, by which said constable and his sureties shall jointly and severally agree to pay, to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay, on account of any neglect or default of said constable, in the service or return of any process that may be delivered to him for service or collection."

Approved February 10, 1855.

[No. 52.]

AN ACT to authorize the board of health of the township of Waterford, in the county of Oakland, to control and possess a certain burial ground.

SECTION 1. *The People of the State of Michigan enact*, That the board of health of the township of Waterford, in the county of Oakland, are hereby authorized to take possession of and control a certain burial ground in said town, heretofore conveyed by Alpheus Williams and Abigail Williams to Lewis Cass, in trust, for the purpose of a public burying ground, which deed bears date the 29th day of November, one thousand eight hundred and twenty-six, and said township board of health shall have the same powers in relation thereto as are provided by [law] in other like cases, and may open and improve any street or highway leading to the same.

Approved February 10, 1855.

[ No. 53. ]

AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the village of Coldwater, in the county of Branch, approved February 29, 1837," approved March 19, 1845.

SECTION 1. *The People of the State of Michigan enact, That* Sec. 1 of act number 28 of 1845 amended. section one of an act entitled "an act to amend an act entitled an act to incorporate the village of Coldwater, in the county of Branch, approved February 29, 1837," approved March 19, 1845, be so amended as to read as follows:

"Sec. 1. All that tract or parcel of land embraced in the following Boundaries of village of Coldwater. limits, to wit: The north half of section twenty-one, the north half of section twenty-two, the south-west quarter of section fifteen, and the south half of section sixteen, in the township of Coldwater, in the county of Branch, shall be and the same is hereby constituted a body politic and corporate, by the name of the village of Coldwater."

Sec. 2. Elections may be held at such place as may from time to Elections. time be designated by the president and trustees of said village.

Sec. 3. The president and trustees of said village shall have power to Powers of president & trustees. lay out, open and work streets, lanes and alleys, in the same manner and with like effect as the electors of said village are now authorized by law to do; said president and trustees shall also have power to remove nuisances, and to compel the owners and occupants of lots or buildings therein, to remove the same.

The above act to take effect immediately.

Approved February 10, 1855.

[ No. 54. ]

AN ACT to provide for the laying out and establishing of a certain State Road.

SECTION 1. *The People of the State of Michigan enact, That* Commissioners to lay out road. Stephen Rossman, Josiah Russell and Morton Shearer, be and they are hereby appointed commissioners to lay out and establish a State road, commencing at the village of Greenville, in the county of Montcalm, thence on the most eligible route to the Big Rapids, on the Muskegon River, in town fifteen north, of range number ten west.

To make &  
file survey.

Sec. 2. The commissioners shall cause an accurate survey of the road so established by them to be made, which they shall cause to be filed in the office of the county clerk for the county of Montcalm.

Proceeding  
where dam-  
ages are  
claimed.

Sec. 3. That in all cases in which damages may be claimed by reason of the laying out and establishing of such road, the same proceeding shall be had thereon in each organized township through which the same shall be laid, as may be required by the laws in force at the time said claim is made, for the assessment of damages in cases of roads laid out by township commissioners.

State not li-  
ble for ex-  
pense.

Sec. 4. That no part of the expenses in laying out and establishing such road shall be chargeable to, or paid from the State Treasury.

Sec. 5. This act shall take effect immediately.

Approved February 10, 1855.

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[ No. 55. ]

AN ACT to provide for issuing a certain Patent to John Blake, of Berrien county.

When pa-  
tent to is-  
sue.

SECTION 1. *The People of the State of Michigan enact, That* the Governor of this State is hereby authorized to issue or cause to be issued to John Blake, his heirs or assigns, a patent for the west half of the south-west quarter of section number twelve, in township eight south, of range eighteen west, upon satisfactory evidence being furnished to said Governor that the aforesaid John Blake, his heirs or assigns, are the holders and owners of the certificate originally issued for the aforesaid parcel of land from the State Land Office, in the year eighteen hundred and forty-five, by Digby V. Bell, Commissioner of said Land Office, to one John Harris: *Provided, That* before said patent shall be issued, payment in full of all moneys due or to become due, of principal or interest, for the aforesaid parcel of land, shall be made by the said John Blake, his heirs or assigns.

Evidence  
to be fur-  
nished.

Payment to  
be made in  
full.

Approved February 10, 1855.



[ No. 56. ]

AN ACT to amend section one of act number two hundred and fifty-two of the session laws of 1850.

SECTION 1. *The People of the State of Michigan enact*, That the words "and for five years thereafter," in the fifth line of section number one, of act number two hundred and fifty-two, of the session laws of one thousand eight hundred and fifty, be stricken out, and the words "and for ten years thereafter," inserted instead thereof, so that said section, when amended, shall read as follows:

"SECTION 1. *The People of the State of Michigan enact*, That for the purpose of improving said road, that there shall be and is hereby appropriated, to be expended as hereinafter provided, the non-resident highway tax for the year one thousand eight hundred and forty-nine, which shall remain unexpended on the fifteenth day of April inst., and for ten years thereafter, upon land owned by non-residents upon the line of said road, for the distance of one mile each way from the centre of said road, (excepting therefrom all taxes heretofore specially appropriated): *Provided*, That if any lot or description, not exceeding eighty acres of land, (owned by non-residents aforesaid) shall be partially embraced within said limits and extend beyond said one mile, the highway tax upon said description shall be deemed appropriated as aforesaid."

Sec. 2. This act shall take effect immediately.

Approved February 10, 1855.

[ No. 57. ]

AN ACT to incorporate the Village of Dundee.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the township of Dundee, in the county of Monroe, known and designated on the plats in the land office of Monroe District, as the north fraction of the south-east fractional quarter of section thirteen, and the south fraction of the south-east fractional quarter of section thirteen, in township six south of range six east, and so much of the north-east fraction of said section, being a part of the Macon Reserve (so called,) as lies south of the centre of said

section, also the plat known as the Daniel Fish plat, be and the same is hereby constituted a town corporate, by the name of the village of Dundee.

Annual election; when and where to be held.

Sec. 2. The male inhabitants of said village having the qualifications of electors under the Constitution of the State, shall meet at the red school house in said village, on the first Wednesday of April next, and on the first Wednesday of April annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes to elect by ballot from among the qualified electors residing in said village, three trustees, two assessors, one president, one recorder, and one treasurer, who shall hold their offices one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in the manner hereinafter described.

Officers to be elected.

Term of office.

Election in certain cases, when may be held.

First election; how conducted.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen viva voce, by the electors present, two inspectors and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as inspector or clerk of said election, who shall form the board of election, and shall conduct the same and certify the result in the same manner that the common council are required to do by this act; and all subsequent elections shall be held in said village and superintended by the president, recorder, and one or more of the trustees; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at such election, by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of the ballots so counted shall exceed the number of the electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots be found folded

Subsequent elections.

Poll list to be kept.

When certain ballots to be destroyed.

up or rolled together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes, so that no election shall be had, a new election shall be held.

To count votes and certify result.

Common council to canvass returns, &c.

In case of a tie, new election to be held.

Sec. 4. It shall be the duty of the recorder of said village, to give five days public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation, before any justice of the peace for said county of Monroe, to support the constitution of the United States and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Notice to be given of elections.

Notice to persons elected.

Oath of officers.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of the proceedings.

Duties of preside and recorder.

Sec. 6. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Dundee, and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record, and any other place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by the same

Body corporate; names and powers, &c.

May have seal, hold property, &c.

name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for the use of said corporation.

**To be subject to laws relating to township government, except in certain cases.** Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof, and also so far as relates to the sale and vending of spirituous liquors in said village.

**Common council; how constituted. Quorum.** Sec. 8. The president, recorder and trustees shall constitute the "common council of the village of Dundee," and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy, and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

**Appointmt of meetings of council.**

**Fines for non-attendance.**

**In case of vacancy in elective officers, common council to order election.** Sec. 9. In case of the death, resignation or removal of the president, recorder, or any of the trustees or other officers elected by the freemen of said village, such death, resignation or removal, shall be announced by the president or the recorder, to the members of said common council, who shall convene, as soon as may be, and order, by a public notice to be posted up in three public places in said village, that an election will be held by the freemen of said village, to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as is hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

**Common council may remove certain officers, and fill vacancies.** Sec. 10. The common council shall have power to remove at pleasure any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same shall occur by death, resignation, removal, or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Sec. 11. The treasurer and marshal shall respectively, before they enter upon the duties of their respective offices, give such security for the faithful discharge of the trusts in them, as the common council shall direct and require.

Sec. 12. The common council shall have full power and authority to appoint a marshal and all other officers necessary under the provisions of this act for said village, whose elections are not herein provided for in this act, to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and the other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the said common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to construct sewers and reservoirs, to license showmen, to suppress all games of chance or hazard, to compel the owners or occupants of all buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the common council, to regulate bridges within the limits of said village, relative to the protecting of said village from fires, relative to calling of meetings of the electors of said village, relative to the keeping and sale of gunpowder in said village, relative to restraining of horses, swine, and other animals from running at large in the streets, lanes, alleys, and other public places in said village, to establish and regulate one or more public pounds for said village, to suppress all gaming tables kept for hire, gain or reward in said village, and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing all disorderly and bad houses: *Provided always*, Such by-laws shall not be repugnant to the constitution and laws of the United States [or] of the State of Michigan: *And provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been posted in three of the most public places in said village, three weeks successively.

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the

Treasurer and marshal to give security.

General powers of common council. To appoint officers. Make by-laws relative to fees, &c.

Assess taxes. Prevent nuisances.

Grant licenses. Suppress games, &c. General powers continued.

By-laws not to take effect until posted up.

Further powers of common council.

To prevent riots, gambling, and street and parish vagrants, drunkards, &c.

inhabitants thereof, against injuries by fire, and persons violating the public peace, for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

To prevent selling liquors, &c.

To designate stand for sale of produce, &c., and make other regulations.

Sec. 14. The common council shall have full power to prevent the vending of liquors in any place in said village, to regulate the measuring of firewood and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent incumbering of the streets, sidewalks, alleys or public grounds or squares, and to regulate all grave yards and burials of the dead for said village.

To lay out and alter streets, &c.

Sec. 15. The common council shall have authority to lay out and establish, open, make and alter such streets, lanes and alleys, sidewalks, highways, water courses and bridges within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the common council for the purposes aforesaid; and the said common council are hereby authorized to treat with such person for such ground or premises, and if such person shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall be lawful for said common council to direct the recorder of said village to issue a venire facias to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into the necessity for taking or using such ground or premises, and to ascertain and determine the just compensation to be paid therefor to the owner or owners of, or parties interested in such grounds or premises; which jury

Proceedings in case individual property is required to be taken.

When parties cannot agree, jury to be summoned.

being first duly sworn by said justice, faithfully and impartially to inquire into the necessity for taking or using such grounds or premises, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective damages according to the several interests and estates therein; and the said justice shall upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, highway or bridge shall be made, opened, established or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the common council to cause the said grounds or premises to be converted to and for the purposes aforesaid: *Provided*, That any party claiming damages may have a right to remove such proceedings by appeal to the circuit court or any court of competent jurisdiction, upon giving notice of his or their intention so to do, to said justice in writing within ten days, or in case of the absence of said party from the village, within thirty days after the verdict of such jury and the judgment of said justice as aforesaid; and upon filing of a transcript of the proceedings aforesaid, in the circuit court or any other court of record having jurisdiction, the same proceedings shall be had as is prescribed by law in the case of appeals: *Provided*, That if the final judgment of said circuit court or other court shall not exceed the damages assessed before said justice, the party appealing shall pay all costs occasioned by such appeal.

Oath of justice.

Duty of justice.

Justice to render judgment on verdict.  
Damages to be tendered before street &c. shall be opened.

Claimant may appeal on giving notice to justice, &c.

Costs of appeal, by whom to be paid.

Sec. 16. Any justice of the peace of the township of Dundee is hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted them in this act, and punish the offender or offenders as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided always*, That any person arrested on a charge of violating any of the by-laws aforesaid, may demand and have a trial by jury.

Justices of Dundee township to try offences.

Jury may be demanded.

Sec. 17. The marshal, and such other officers as may be appointed

## LAWS OF MICHIGAN.

Compensation of officers.

by this corporation, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct; but the other officers of said corporation shall not receive to exceed one dollar for each days service actually rendered.

Duties of common council relative to settlement of accounts, &c.

Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them, in their corporate capacity, during the year next preceding such publication, and also the disposition thereof; previous to which, they shall settle and audit the accounts of the treasurer and all other persons or officers having claims against said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation; the amount of taxes raised, the amount of contingent expenses, the amount expended on highways, streets, alleys and side-walks, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village.

No citizen incompetent as jurors or witnesses by reason of citizenship.

Sec. 19. In all processes, prosecutions or other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent witness or juror, on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village.

Service of process against corporation; how served.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, The first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

Powers of common council in relation to taxes.

*Provide.*

Sec. 21. The common council shall have power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property within the limits of said village, necessary to defray the expenses thereof: *Provided*, That the said taxes so assessed and collected shall not exceed in any one year



one-fourth of one per centum upon the valuation of said real and personal property; and every assessment of tax lawfully imposed or laid by said common council on any lands, tenements and hereditaments or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessment or imposing such tax until paid; and the owners or occupants, or parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof, to sell real estate, rendering the overplus, if any, after deducting the charges of such sale, to such owner, occupant, or lessee: *Provided, That* Tax a Lien on premises. When property to be sold for tax. Notice of sale. Whenever real estate shall be so sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least one month next preceding said sale; and said marshal shall give to the purchaser of any such lands, a certificate in writing describing the lands so purchased, and the time when the purchaser will be entitled to a deed for the same; and if the person claiming title to said lands described in the sale, shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal or his successor in office, shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold; which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be prima facie evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, and acknowledged by witnesses and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner and duly recorded may be given in evidence; and all personal estate so sold shall be sold according and in such manner as the common council may direct. Certificate to be given to purchaser. If premises not redeemed in two years, marshal to execute deed. Effect of deed. Prima facie evidence of regularity.

Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in Duty of assessors.

Notice of  
completion of  
assess-  
ment.

said village, it shall be their duty to give notice thereof by publishing in any newspaper printed in said village, by at least two insertions, or by posting up the same in three [of the] most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when, and place where they will meet to hear the objections of any persons interested, to the valuation so made by them. At the time so appointed, the said assessors shall meet, and on the application of any person considering him or herself aggrieved, may review and reduce the said valuation on sufficient cause having been shown upon oath, to the satisfaction of said assessors; and if any person or persons shall consider himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from the decision of the assessors at any time within ten days there-

When as-  
sessor may  
reduce val-  
uation.

When com-  
mon council  
may reduce  
valuation.

after, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce said valuation.

Taxes to be  
made out  
by common  
council.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

Marshal to  
collect tax.

Marshal to  
pay over  
money to  
treasurer.

Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, at such times and under such regulations as shall be prescribed by the ordinance of the common council.

Street com-  
missioners  
may be ap-  
pointed.

Sec. 25. The common council shall have power to appoint one or more street commissioners, or other officers to superintend and direct the making, paving, repairing and opening of all streets, lanes, alleys, sidewalks, highways and bridges within the limits of said corporation, in such manner as may from time to time be directed by the common council; also, for establishing the line upon which buildings may be directed [erected] and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such streets, or making such sidewalks, or setting such ornamental trees, to be assessed on lots or premises adjoining such improvements, or by general assessment, or otherwise, as they may direct.

Further  
powers of  
common  
council.

Sec. 26. The common council shall have authority to establish and organize all such fire companies and hose and hook and ladder companies, and provide them with the proper engines and other instruments, as shall be necessary to extinguish fires and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village such number of persons willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose, and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company, shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of each company, during their continuance as such, shall be exempt from serving on juries, and working a poll tax on the highways or streets of said village; and it shall be the duty of every fire company to keep in good and perfect repair, the fire engine, hose, ladders and other instruments of the company, and it shall be the duty of each fire company to assemble once in each month or as often as may be directed by said common council, for the purpose of working or examining such engine and other implements with a view to their perfect order and repair.

Organization  
and regulations  
of fire  
companies.

Fines for  
neglect of  
duty.

Exemption  
of members  
of fire com-  
panies.

Meetings of  
fire compa-  
nies.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the same, as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Duty of  
marshal  
in case of  
fire.

Sec. 28. This act shall be and take effect and be in force after thirty days from the passage thereof.

Approved February 10, 1855.

section, also the plat known as the Daniel Fish plat, be and the same is hereby constituted a town corporate, by the name of the village of Dundee.

Annual election; when and where to be held.

Sec. 2. The male inhabitants of said village having the qualifications of electors under the Constitution of the State, shall meet at the red school house in said village, on the first Wednesday of April next, and on the first Wednesday of April annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes to elect by ballot from among the qualified electors residing in said village, three trustees, two assessors, one president, one recorder, and one treasurer, who shall hold their offices

Officers to be elected.

Term of office.

Election in certain cases, when may be held.

one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in the manner hereinafter described.

First election; how conducted.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen viva voce, by the electors present, two inspectors and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as inspector or clerk of said election, who shall form the board of election, and shall conduct the same and certify the result in the same manner that the common council are required to do by this act; and all subsequent elections shall be held in said village and superintended by the president, recorder, and

Subsequent elections.

Poll list to be kept.

When certain ballots to be destroyed.

one or more of the trustees; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at such election, by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of the ballots so counted shall exceed the number of the electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots be found folded

up or rolled together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes, so that no election shall be had, a new election shall be held.

To count votes and certify result.

Common council to canvass returns, &c.

In case of a tie, new election to be held.

Sec. 4. It shall be the duty of the recorder of said village, to give five days public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation, before any justice of the peace for said county of Monroe, to support the constitution of the United States and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Notice to be given of elections.

Notice to persons elected.

Oath of officers.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of the proceedings.

Duties of president and recorder.

Sec. 6. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Dundee, and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record, and any other place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by the same

Body corporate; names and powers, &c.

May have seal, hold property, &c.

name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for the use of said corporation.

To be subject to laws relating to township government, except in certain cases.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof, and also so far as relates to the sale and vending of spirituous liquors in said village.

Common council; how constituted.

Quorum.

Appointment of meetings of council.

Fines for non-attendance.

Sec. 8. The president, recorder and trustees shall constitute the "common council of the village of Dundee," and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy, and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

In case of vacancy in elective officers, common council to order election.

Sec. 9. In case of the death, resignation or removal of the president, recorder, or any of the trustees or other officers elected by the freemen of said village, such death, resignation or removal, shall be announced by the president or the recorder, to the members of said common council, who shall convene, as soon as may be, and order, by a public notice to be posted up in three public places in said village, that an election will be held by the freemen of said village, to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as is hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Common council may remove certain officers, and fill vacancies.

Sec. 10. The common council shall have power to remove at pleasure any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same shall occur by death, resignation, removal, or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Sec. 11. The treasurer and marshal shall respectively, before they enter upon the duties of their respective offices, give such security for the faithful discharge of the trusts in them, as the common council shall direct and require.

Treasurer and marshal to give security.

Sec. 12. The common council shall have full power and authority to appoint a marshal and all other officers necessary under the provisions of this act for said village, whose elections are not herein provided for in this act, to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and the other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the said common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to construct sewers and reservoirs, to license showmen, to suppress all games of chance or hazard, to compel the owners or occupants of all buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the common council, to regulate bridges within the limits of said village, relative to the protecting of said village from fires, relative to calling of meetings of the electors of said village, relative to the keeping and sale of gunpowder in said village, relative to restraining of horses, swine, and other animals from running at large in the streets, lanes, alleys, and other public places in said village, to establish and regulate one or more public pounds for said village, to suppress all gaming tables kept for hire, gain or reward in said village, and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing all disorderly and bad houses: *Provided always*, Such by-laws shall not be repugnant to the constitution and laws of the United States [or] of the State of Michigan: *And provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been posted in three of the most public places in said village, three weeks successively.

General powers of common council. To appoint officers. Make by-laws relative to fees, &c.

Assess tax's. Prevent nuisances.

Grant licenses. Suppress games, &c. General powers continued.

By-laws not to take effect until posted up.

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the

Further powers of common council.

To prevent riots, gambling, and arrest and punish vagrants, drunkards, &c.

inhabitants thereof, against injuries by fire, and persons violating the public peace, for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

To prevent selling liquors, &c.

To designate stand for sale of produce, &c., and make other regulations.

Sec. 14. The common council shall have full power to prevent the vending of liquors in any place in said village, to regulate the measuring of firewood and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent incumbering of the streets, sidewalks, alleys or public grounds or squares, and to regulate all grave yards and burials of the dead for said village.

To lay out and alter streets, &c.

Proceedings in case individual property is required to be taken.

When parties cannot agree, jury to be summoned.

Sec. 15. The common council shall have authority to lay out and establish, open, make and alter such streets, lanes and alleys, sidewalks, highways, water courses and bridges within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the common council for the purposes aforesaid; and the said common council are hereby authorized to treat with such person for such ground or premises, and if such person shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall be lawful for said common council to direct the recorder of said village to issue a venire facias to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into the necessity for taking or using such ground or premises, and to ascertain and determine the just compensation to be paid therefor to the owner or owners of, or parties interested in such grounds or premises; which jury



being first duly sworn by said justice, faithfully and impartially to inquire into the necessity for taking or using such grounds or premises, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective damages according to the several interests and estates therein; and the said justice shall upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, highway or bridge shall be made, opened, established or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the common council to cause the said grounds or premises to be converted to and for the purposes aforesaid: *Provided*, That any party claiming damages may have a right to remove such proceedings by appeal to the circuit court or any court of competent jurisdiction, upon giving notice of his or their intention so to do, to said justice in writing within ten days, or in case of the absence of said party from the village, within thirty days after the verdict of such jury and the judgment of said justice as aforesaid; and upon filing of a transcript of the proceedings aforesaid, in the circuit court or any other court of record having jurisdiction, the same proceedings shall be had as is prescribed by law in the case of appeals: *Provided*, That if the final judgment of said circuit court or other court shall not exceed the damages assessed before said justice, the party appealing shall pay all costs occasioned by such appeal.

Oath of jurors.

Duty of jury.

Justice to render judgment on verdict.

Damages to be tendered before street &c. shall be opened.

Claimant may appeal, on giving requis to notice, &c.

Costs of appeal, by whom to be paid.

Sec. 16. Any justice of the peace of the township of Dundee is hereby authorized and empowered to inquire of, hear, try, and determine in a summary manner all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted them in this act, and punish the offender or offenders as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided always*, That any person arrested on a charge of violating any of the by-laws aforesaid, may demand and have a trial by jury.

Justices of Dundee township to try offences.

Jury may be demanded.

Sec. 17. The marshal, and such other officers as may be appointed

## LAWS OF MICHIGAN.

Compensation of officers.

by this corporation, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct; but the other officers of said corporation shall not receive to exceed one dollar for each days service actually rendered.

Duties of common council relative to settlement of accounts, &c.

Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them, in their corporate capacity, during the year next preceding such publication, and also the disposition thereof; previous to which, they shall settle and audit the accounts of the treasurer and all other persons or officers having claims against said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation; the amount of taxes raised, the amount of contingent expenses, the amount expended on highways, streets, alleys and side-walks, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village.

No citizen incompetent as jurors or witnesses by reason of citizenship.

Sec. 19. In all processes, prosecutions or other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent witness or juror, on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village.

Service of process against corporation; how served.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, The first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

Powers of common council in relation to taxes.

*Provided*.

Sec. 21. The common council shall have power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property within the limits of said village, necessary to defray the expenses thereof: *Provided*, That the said taxes so assessed and collected shall not exceed in any one year

one-fourth of one per centum upon the valuation of said real and personal property; and every assessment of tax lawfully imposed or laid by said common council on any lands, tenements and hereditaments or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessment or imposing such tax until paid; and the owners or occupants, or parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof, to sell real estate, rendering the overplus, if any, after deducting the charges of such sale, to such owner, occupant, or lessee: *Provided, That* whenever real estate shall be so sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least one month next preceding said sale; and said marshal shall give to the purchaser of any such lands, a certificate in writing describing the lands so purchased, and the time when the purchaser will be entitled to a deed for the same; and if the person claiming title to said lands described in the sale, shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal or his successor in office, shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold; which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be prima facie evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, and acknowledged by witnesses and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner and duly recorded may be given in evidence; and all personal estate so sold shall be sold according and in such manner as the common council may direct.

Tax a lien on premises.

When property to be sold for tax.

Notice of sale.

Certificate to be given to purchaser.

If premises not redeemed in two years, marshal to execute deed.

Effect of deed.

Prima facie evidence of regularity.

Duty of assessors.

Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in

Notice of completion of assessment.

said village, it shall be their duty to give notice thereof by publishing in any newspaper printed in said village, by at least two insertions, or by posting up the same in three [of the] most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when, and place where they will meet to hear the objections of any persons interested, to the valuation so made by them. At the time so appointed, the said assessors shall meet, and on the application of any person considering him or herself aggrieved, may review and reduce the said valuation on sufficient cause having been shown upon oath, to the satisfaction of said assessors; and if any person or persons shall consider himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from the decision of the assessors at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce said valuation.

When assessors may reduce valuation.

When common council may reduce valuation.

Taxes to be made out by common council.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

Marshal to collect tax.

Marshal to pay over money to treasurer.

Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, at such times and under such regulations as shall be prescribed by the ordinance of the common council.

Street commissioners may be appointed.

Sec. 25. The common council shall have power to appoint one or more street commissioners, or other officers to superintend and direct the making, paving, repairing and opening of all streets, lanes, alleys, sidewalks, highways and bridges within the limits of said corporation, in such manner as may from time to time be directed by the common council; also, for establishing the line upon which buildings may be directed [erected] and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such streets, or making such sidewalks, or setting such ornamental trees, to be assessed on lots or premises adjoining such improvements, or by general assessment, or otherwise, as they may direct.

Further powers of common council.

Sec. 26. The common council shall have authority to establish and organize all such fire companies and hose and hook and ladder companies, and provide them with the proper engines and other instruments, as shall be necessary to extinguish fires and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village such number of persons willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose, and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company, shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries, and working a poll tax on the highways or streets of said village; and it shall be the duty of every fire company to keep in good and perfect repair, the fire engine, hose, ladders and other instruments of the company, and it shall be the duty of each fire company to assemble once in each month or as often as may be directed by said common council, for the purpose of working or examining such engine and other implements with a view to their perfect order and repair.

Organization and regulations of fire companies.

Fines for neglect of duty.

Exemption of members of fire companies.

Meetings of fire companies.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the same, as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Duty of marshal in case of fire.

Sec. 28. This act shall be and take effect and be in force after thirty days from the passage thereof.

Approved February 10, 1855.

[ No. 58. ]

## AN ACT to incorporate the village of Trenton.

Boundaries  
of the vil-  
lage of  
Trenton.

**SECTION 1.** *The People of the State of Michigan enact,* That all that tract of country situate in the township of Monguagon, in the county of Wayne, and State of Michigan, beginning at the south-east corner of a parcel of land called and known as the "Trenton Ship-yard," on the Detroit River; thence west twenty rods beyond the "Grave-yard," so called; thence north to the half section line of section (18,) eighteen, town (4) four south, of range (11) eleven east; thence east along said half section line to the west shore of Detroit River; thence down and along said shore of Detroit River, to the place of beginning, be and the same is hereby constituted a town corporate, by the name of the village of Trenton.

Annual  
elections,  
when and  
where to be  
held.

**Sec. 2.** The male inhabitants of said village having the qualifications of electors under the constitution, shall meet at the school house in said village on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder and one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided,* That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Officers to  
be elected.  
Term of  
office.

Election in  
certain ca-  
ses, when  
held.

First elect'n,  
how con-  
ducted.

**Sec. 3.** At the first election to be holden in said village, under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and subsequent elections shall be held in said village, and superintended by the president, recorder, and one or more of the trustees; and further, that at all elections the polls shall be

Subsequent  
elections.

opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper of equal size as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

Poll list to be kept.

When certain ballots to be destroyed.

To count votes and certify result.

Common council to canvass returns.

In case of a tie, election to be determined by lot.

Sec. 4. It shall be the duty of the recorder of said village to give five days public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers, so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation, before any justice of the peace or notary public for said county, of Wayne, to support the constitution of the United States, and of this State, and faithfully and impartially to

Notice of election to be given.

Notice to persons elected.

Oath of officers.

execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Duties of president & recorder.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of the proceedings.

Body corporate, name & powers, &c.

Sec. 6. The president, recorder, and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Trenton, and by that name they and their successors shall be known in law, and shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of record and any other place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by that same name shall be and are hereby made capable of purchasing and holding, conveying or disposing of any real or personal estate for the use of said corporation.

To be subject to laws relating to township government, except in certain cases.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof; and except, also, so far as relates to the sale and vending of spirituous liquors in said village.

Who to constitute the common council.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the common council of the village of Trenton, and the majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Quorum.

Appointment of council meetings.

Fines for non-attendance.

Sec. 9. In case of the death, resignation or removal of the president,



recorder, or any of the trustees or other officers elected by the electors of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order by a public notice, to be posted up in three public places in said village, that an election will be held by the electors of said village, to elect a suitable person or persons to fill such vacancy or vacancies; which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

When common council to order election.

Sec. 10. The common council shall have power to remove at pleasure, any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur by death, resignation, removal, or any other cause; and all officers so appointed, shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Council may remove certain officers, and fill vacancies.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the common council shall direct and require.

Treasurer & marshal to give security.

Sec. 12. The common council shall have full power and authority to appoint a marshal, and all other officers necessary, under the provisions of this act, for said village, whose elections are not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to construct sewers and reservoirs; to license all showmen; to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; relative

General powers of common council. To appoint officers. Regulate fees.

Assess taxes. Prevent nuisances.

Grant license.

Promiscuous power.

to calling of meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to the restraining of swine, horses, and other animals, from running at large in the streets, lanes and alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to suppress billiard tables, and all other gaming tables kept for hire, gain or reward, in said village; and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for the preventing and suppressing all disorderly and bad houses: *Provided, always,* Such by-laws shall not be repugnant to the constitution and laws of the United States, or of the State of Michigan: *And provided also,* That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of Wayne, or by written notices posted up in three of the most public places in said village.

By-laws not to have effect till published.

Common council to make by-laws and regulations, and punish offenders.

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for suppression of riots, and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all such by-laws and ordinances as to them shall seem necessary, for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

To prevent selling liquor, &c.

Sec. 14. The common council shall have full power to prevent the vending of intoxicating liquors in said village, not duly authorized; to regulate the measuring of fire-wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering of the streets, sidewalks, alleys or public grounds or squares, and to regulate all grave yards and burial of the dead for said village.

To designate stand for sale of produce, & make other regulations.

To lay out and alter streets, &c.

Sec. 15. The common council shall have authority to lay out and establish, open, make and alter, such streets, lanes and alleys, sidewalks,

highways, water courses and bridges within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes, the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her, or their agent or representative, by personal service, or by written notice posted in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a venire facias, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into and assess the damages, and recompense the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, highway or bridge, shall be made, opened, established or altered, to the claimant or claimants thereof; but if such jury shall find that the claimant or claimants is or are not entitled to any damages, then it shall be competent for said justice to render judgment against such claimant or claimants (as the case may be) for costs, and to issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any

Proceedings when private property is to be taken.

When jury to be summoned.

Oath of jurors.

Justice to render judgment.

Damages to be tendered.

When claimant to pay costs.

Claimant may appeal, on giving notice, &c.

court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to said justice in writing, within ten days, or in case of the absence of said party from the said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of such jury, and the judgment of said justice as aforesaid; and upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Costs of appeal, by whom paid.

Justice of township to exercise jurisdiction.

Sec. 16. Any justice of the peace of the township of Monguagon is hereby authorized and empowered to inquire of, hear, try and determine in a summary manner, all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established, by the said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders, as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided, always*, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury.

Jury may be demanded.

Compensation of officers.

Sec. 17. The marshal, recorder, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct, but the residue of the common council shall not receive any pecuniary compensation for their services.

Duty of council relative to settlement of accounts, &c.

Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof; previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures; which statement shall fully specify all the appropria-

tions made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Sec. 19. In all processes, prosecutions, and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

Citizen not incompetent as juror or witness, by reason of citizenship.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

Service of process against corporation.

Sec. 21. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed in any one year, one-fourth of one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax; and every assessment of taxes lawfully imposed or laid by the said common council, on any lands, tenements and hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands and tenements and hereditaments, from the time of making such assessments or imposing such tax until paid; and the owner or occupants or parties in interest, respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom

Taxes to be assessed.

Tax a lien on premises.

When property to be sold for taxes.

Notice of  
sale

Certificate  
to be given  
to purchas-  
er.

If premises  
not redeem-  
ed, deed to  
be executed.

Effect of  
deed.

Prima facie  
evidence of  
regularity.

Duty of as-  
sessors.

Notice of  
completion  
of assess-  
ment.

When assess-  
ors may re-  
duce valua-  
tion.

the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least four weeks, once in each week, previous to such sale; and the said marshal shall give to the said purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the sale shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be prima facie evidence that the sale and all the proceedings therein, prior to such sale, were regular, according to the provisions of this act; and every such conveyance executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate so sold, shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left, for the inspection of all persons interested, and of the time when, and the place where, they will meet to hear the objections of any persons interested to the valuation so made by them; and at the time so appointed the assessors shall meet, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person

or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation. When common council may reduce valuation.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct. Duty of common council relative to taxes. Marshal to collect taxes.

Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the common council. Marshal to pay over money to treasurer.

Sec. 25. The common council shall have power to appoint one or more street commissioners, or other officers, to superintend and direct the making, paving, repairing and opening all streets, lanes, alleys, side-walks, highways or bridges, within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such side-walks to be assessed on lots or premises adjoining such improvements, or by general assessments or otherwise, as they may direct. Street commissioner may be appointed. Further power of common council.

Sec. 26. The common council shall have authority to establish and organize all such fire companies and hose and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good Organization and regulations of fire companies.

Fines for neglect of duty.

Exemptions of members of fire companies.

Meetings of fire companies.

Duty of marshal in case of fire.

government of said companies, subject to the approval of the common council; and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such shall be exempt from serving on juries and working a poll tax on the streets and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engines, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other instruments, with a view to their perfect order and repair.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing said fire, as in preventing any goods from being stolen, and also, in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Sec. 28. This act shall be deemed a public act.

Sec. 29. This act shall take effect in thirty days from and after its passage.

Approved February 10, 1855.

### [ No. 59. ]

AN ACT to amend sections fourteen and fifteen, of an act entitled "an act to define the powers and duties of the Boards of Supervisors of the several counties, and to confer upon them certain local, administrative, and legislative powers," approved April 8, 1851.

Sec. 14 of act No. 136, of 1851, amended.

SECTION 1. *The People of the State of Michigan enact, That* section fourteen of an act entitled "an act to define the powers and duties of the boards of supervisors of several counties, and to confer upon them certain local, administrative and legislative powers," approved April eight, one thousand eight hundred and fifty-one, be and is here-



by amended, so that said section shall read as follows: "Sec 14. The <sup>Board of supervisors may organize or alter townships.</sup> boards of supervisors of the several counties of this State, shall have power within their respective counties, and all territory attached thereto, by a majority [of] all the members elected, to divide or alter in its bounds any township, or erect a new township upon application to the board, as hereinafter provided, of at least twelve freeholders of each of the townships to be affected by the division, and upon being furnished with a map of all the townships to be affected, showing the proposed alterations; and if the application shall be granted, a copy of said map, with a certified statement of the action of said board thereunto annexed, shall be filed in the office of the clerk of such county, and a certified statement of the action of said board shall also be filed in the office of <sup>Statement to be filed with Secretary of State, and published with laws.</sup> the Secretary of State; and it shall be the duty of the Secretary of State to cause the same to be published with the laws of the next Legislature, after the filing thereof, in the same manner as other laws are published."

Sec. 2. Section fifteen of said act is hereby amended, so that said <sup>Section 15 amended. Notice of application to be given.</sup> section shall read as follows: "Sec. 15. Notice in writing of such intended application, subscribed by not less than twelve freeholders of the township or townships to be affected, shall be posted in five of the most public places in each of the townships to be affected thereby, for four weeks next previous to such application to the board of supervisors, and a copy of such notice shall also be published once in each week, for four successive weeks, immediately preceding the meeting of the board of supervisors at which such application is to be made, in some newspaper printed in the county, if any shall be published therein."

Sec. 3. This act shall take effect immediately.

Approved February 10, 1855.

[ No. 60. ]

AN ACT to incorporate the village of Jonesville.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situate in the townships of Fayette and Scipio, <sup>Boundaries of the village of Jonesville.</sup> in the county of Hilldale, and State of Michigan, described as follows, to-wit: The south half of section thirty-three in township five south,

of range three west, and the north half and the north half of the south half of section four, and the east half of the north-east quarter, and the north-east quarter of the south-east quarter of section five, in township number six south, of range number three west, be and the same is hereby constituted a town corporate, by the name of the village of Jonesville.

Annual elections, when and where held.

Sec. 2. The male inhabitants of said village having the qualifications of electors under the constitution, shall meet at the Jonesville House in said village, on the second Monday of April next, and on the first Monday of March annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president and one recorder, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice to be given in the manner hereinafter described.

Officers to be elected. Term of office.

Elections in certain cases, when held.

First election, how conducted.

Subsequent elections.

Ball list to be kept.

Sec. 3. At the first election to be holden in said village, under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and subsequent elections shall be held in said village, and superintended by the president, recorder, and one or more of the trustees. And further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written on a poll list to be kept at such election by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the

number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election shall immediately proceed openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper of equal size as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

When certain ballots to be destroyed.

To count votes and certify result.

Common council to canvass returns.

In case of a tie, election to be determined by lot.

Sec. 4. It shall be the duty of the recorder of said village to give five days public notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified; as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation, before any justice of the peace or notary public for said county of Hillsdale, to support the constitution of the United States, and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Notice of election.

Notice to persons elected.

Oath of officers.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council; and it shall be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of the proceedings.

Duties of president & recorder.

Body corporate, name, powers, &c.

Sec. 6. The president, recorder, and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and designated by the name and title of the common council of the village of Jonesville, and by that name they and their successors shall be known in law, and shall be, and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of record and any other place whatsoever; and may have a common seal, and may alter and change the same at their pleasure, and by that same name shall be, and are hereby made capable of purchasing and holding, conveying or disposing of, any real or personal estate for the use of said corporation.

May have seal, hold property, &c.

To be subject to laws relating to township government, except in certain cases.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets, highways and bridges, and the labor to be performed thereon, within the limits thereof.

Who to constitute common council.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the common council of the village of Jonesville, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number

Quorum.

Appointment of council meetings.

may adjourn from time to time;) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder, may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting; and also, to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Fines for non-attendance.

When common council to order election.

Sec. 9. In case of the death, resignation or removal of the president, recorder, or any of the trustees, or other officers elected by the electors of said village, such death, resignation or removal, shall be announced by the president or recorder, to the members of the common council, who shall convene as soon as may be, and order, by a public notice to be posted up in three public places in said village, or by notice in a paper published in said village, that an election will be held by the electors of said village, to elect a suitable person or persons to fill

such vacancy or vacancies, which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Sec. 10. The common council shall have power to remove at pleasure, any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said officers so often as the same may occur by death, resignation, removal, or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Council may remove certain officers, and fill vacancies.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the common council shall direct and require.

Treasurer & marshal to give security.

Sec. 12. The common council shall have full power and authority to appoint a marshal, treasurer, and all other officers necessary under the provisions of this act for said village, whose elections are not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to construct sewers and reservoirs; to license all showmen, to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; relative to calling of meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to the restraining of swine, horses, and other animals from running at large in the streets, lanes and alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to suppress billiard tables and all other gaming tables kept for hire, gain or reward, in said village; and also, full power and authority to make all such by-laws and or-

General powers of common council. To appoint officers. Regulate fees.

Assess taxes.

Prevent nuisances.

Grant licenses.

Prohibitious powers.

dinances as may be deemed by the common council expedient or necessary for the preventing and suppressing all disorderly and bad houses:

*Provided always*, Such by-laws shall not be repugnant to the constitution and laws of the United States or of the State of Michigan: *And*

*By-laws not to take effect till published.* *provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of Hillsdale, or by written notices posted up in three of the most public places in said village.

*Common council to make by-laws and regulations, and punish offenders.* Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof, against injuries by fire, and persons violating the public peace, for suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

*To prevent selling liquor, &c.* Sec. 14. The common council shall have full power to prevent the vending of intoxicating liquors in said village not duly authorized; to regulate the measuring of firewood and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering of the streets, sidewalks, alleys or public grounds or square, and to regulate all grave yards and burial of the dead for said village.

*To lay out and alter streets, &c.* Sec. 15. The common council shall have authority to lay out and establish, open, make and alter such streets, lanes and alleys, sidewalks, highways, water courses and bridges within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her or their agent or representative, by personal service, or by written notice posted in three of the most public places in said village, or cause the same to be printed in a newspaper in said village, at least three

*Proceedings when private property is to be taken.*

weeks next preceding the meeting of the said common council for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a venire facias to command <sup>When jury to be summoned.</sup> the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into and determine the necessity for using such ground or premises, and to ascertain and determine the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury being first duly sworn by said justice, faithfully and impartially to inquire into and determine the necessity for using such grounds or premises, and to ascertain and determine the just compensation to be made therefor; and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall upon the return of such <sup>Oath of jurors.</sup> assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, highway or bridge shall be made, opened, established or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to said justice in writing within ten days, or in case of the absence of said party from the said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of such jury and the judgment of said justice as aforesaid; and upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment, as aforesaid, in the circuit court or any other court <sup>Justice to render judgment.</sup> <sup>Damages to be tendered.</sup> <sup>Claimant may appeal on giving notice, &c.</sup>

of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Justice of township to exercise jurisdiction. Sec. 16. Any justice of the peace of either of the townships of Fayette and Scipio, is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders, as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided always*, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury.

Jury may be demanded. Compensation of officers. Sec. 17. The marshal, recorder, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct; but the residue of the common council shall not receive any pecuniary compensation for their services.

Duty of common council relative to settlement of accounts, &c. Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all the moneys received or expended by them, in their corporate capacity, during the year next preceding such publication, and also the disposition thereof; previous to which, they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation; the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Sec. 19. In all processes, prosecutions and other proceedings, wherein the common council of said village shall be a party, no citizen of said



village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

No citizen incompetent as juror or witness by reason of citizenship.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

Service of process against corporation; how served.

Sec. 21. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed in any one year one-half of one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax; and every assessment of taxes lawfully imposed or laid by the said common council on any lands, tenements and hereditaments [or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments,] from the time of making such assessments or imposing such tax until paid; and the owner or occupants, or parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof, to sell the real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least four weeks, once in each week, previous to such sale; and the said marshal shall give to the said purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the sale, shall not, within one year from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his

Taxes to be assessed.

Tax a lien on premises.

When property to be sold for taxes.

Certificate to be given to purchaser. If person not redeemed, deed to be executed.

Effect of  
deed.

Prima facie  
evidence of  
regularity.

heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal or his successor in office, shall, at the expiration of the said one year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold; which conveyance shall vest in the persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be prima facie evidence that the sale, and all the proceedings therein prior to such sale were regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner and duly recorded, and all personal estate so sold shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

Duty of as-  
sessors.  
Notice of  
completion  
of assess-  
ment.

Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when, and place where they will meet to hear the objections of any persons interested, to the valuation so made by them; and at the time so appointed, the assessors shall meet, and on the application of any person considering himself aggrieved, may review and reduce the said valuation on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid to reduce said valuation.

When assess-  
sors may re-  
duce valua-  
tion.

When com-  
mon coun-  
cil may re-  
duce valua-  
tion.

Taxes to be  
made out  
by common  
council.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such indi-

vidual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct. Marshal to collect taxes.

Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the common council. Marshal to pay over money to treasurer.

Sec. 25. The common council shall have power to appoint one or more street commissioners, or other officers to superintend and direct the making, paving, repairing and opening all streets, lanes, alleys, sidewalks, highways or bridges within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, for establishing the line upon which buildings may be erected and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading and planking or paving such sidewalks, to be assessed on lots or premises adjoining such improvements, or by general assessments, or otherwise, as they may direct: *Provided*, That all sidewalks adjoining private property, shall be constructed at the expense of the owners of said property. Street commissioner may be appointed. Further power of common council.

Sec. 26. The common council shall have authority to establish and organize all such fire companies and hose and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose, and hook and ladder company shall have power to appoint their officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company, shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries, and working a poll tax on the streets and high- Organization and regulations of fire companies. Fines for neglect of duty. Exemptions of members of fire companies.

Meetings of  
fire-com-  
panies.

ways of said village; and it shall be the duty of every fire company to keep in good and perfect repair, the fire engines, hose, ladders and other instruments of such company, and it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other instruments with a view to their perfect order and repair.

Duty of  
marshal in  
case of fire.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing said fire, as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Sec. 28. This act shall take effect twenty days from and after its passage.

Approved February 10, 1855.

[ No. 61. ]

AN ACT to incorporate the Village of Lexington.

Boundaries  
of the village  
of Lexing-  
ton.

SECTION 1. *The People of the State of Michigan enact, That* all that part of the township of Lexington, in the county of Sanilac, embraced within the following limits, to-wit: commencing at the north-west corner of the north-east quarter of section number thirty-six, in township ten north, of range sixteen east, running thence north, one hundred and sixty rods; thence east, to the shore of Lake Huron; thence south, along the shore of Lake Huron, one mile; thence west, two hundred and forty rods; thence north to the place of beginning, be and the same is hereby constituted a town corporate, to be known by the name of the village of Lexington.

Annual  
elections,  
when and  
where held.

Sec. 2. The male inhabitants of said village having the qualifications of electors under the constitution, shall meet at the school house in said village on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot, from among the qualified electors residing in said vil-

lage, five trustees, two assessors, one president, one recorder and one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Officers to be elected. Term of office.

Elections in certain cases, when held

Sec. 3. At the first election to be holden in said village, under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and subsequent elections shall be held in said village, and superintended by the president, recorder, and one or more of the trustees; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election, shall be written in a poll list, to be kept at such election by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and

First election, how conducted.

Subsequent elections.

Poll list to be kept.

When certain ballots to be destroyed.

Canvass.

To count votes and certify result.

Common council to canvass returns.

**In case of a tie, election to be determined by lot.** in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper of equal size as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

**Notice of election.**

**Notice to persons elected.**

**Oath of officers.**

Sec. 4. It shall be the duty of the recorder of said village to give five days public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after closing of the polls of any election, to notify the officers respectively of their election; and the said officers, so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation, before any justice of the peace or notary public for said county of Sanilac, to support the constitution of the United States, and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

**Duties of president & recorder.**

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of the proceedings.

**Body corporate, name, powers, &c.**

Sec. 6. The president, recorder, and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Lexington, and by that name they and their successors shall be known in law, and shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of record and any other place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by that same name shall be and are hereby made capable of purchasing and holding, conveying or disposing of any real or personal estate for the use of said corporation.

**May have seal, hold property, &c.**

Sec. 7. The inhabitants of said village shall be liable to the operation

of any and all laws relating to township government, except so far as To be subject to laws relating to township government, except in certain cases.  
relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the common council of the village of Lexington, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence. Who to constitute common council. Quorum. Appointment of council meetings. Fines for non-attendance.

Sec. 9. In case of the death, resignation or removal of the president, recorder, or any of the trustees or other officers elected by the electors of said village, such death, resignation or removal shall be announced to the common council, by one of the members thereof, and upon such announcement said common council shall convene as soon as may be, and order by a public notice, to be posted up in three public places in said village, that an election will be held by the electors of said village, to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the same manner as hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred. When common council to order election.

Sec. 10. The common council shall have power to remove at pleasure, any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur by death, resignation, removal, or any other cause; and all officers so appointed, shall be notified and qualified as aforesaid, and perform the duties of their respective offices. Common council may remove certain officers, and fill vacancies.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the common council shall direct and require. Treasurer and marshal to give security.

General powers of common council. To appoint officers. Make by-laws relative to fees, &c.

Assess tax's.

Prevent nuisances.

Grant licenses.

Promiscuous powers.

By-laws, when to take effect.

Common council to make by-laws and regulations, and punish offenders.

Sec. 12. The common council shall have full power and authority to appoint a marshal, and all other officers necessary, under the provisions of this act, for said village, whose elections are not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to construct sewers and reservoirs; to license all showmen; to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; relative to calling of meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to the restraining of swine, horses, and other animals, from running at large in the streets, lanes, alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to suppress billiard tables, and all other gaming tables kept for hire, gain or reward, in said village; and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for the preventing and suppressing all disorderly and bad houses: *Provided, always,* Such by-laws shall not be repugnant to the constitution and laws of the United States, or of the State of Michigan: *And provided also,* That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of Sanilac, or by written notices posted up in three of the most public places in said village.

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for suppression of riots, and gambling, and for the punishment of the same; for the apprehension and punishment of va-



grants, drunkards, and idle persons; and they shall have power to make all such by-laws and ordinances, as shall be necessary, for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made, as aforesaid.

Sec. 14. The common council shall have full power to prevent the vending of intoxicating liquors in said village, not duly authorized; to regulate the measuring of fire-wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering of the streets, sidewalks, alleys or public grounds or square.

To prevent selling liquors, &c.

To designate stand for sale of produce, &c., and make other regulations.

Sec. 15. The common council shall have authority to lay out and establish, open, make and alter, such streets, lanes and alleys, sidewalks, highways, water courses and bridges within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes, the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her, or their agent or representative, by personal service, or by written notice posted in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a venire facias, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into and determine the necessity for using such grounds, and the just compensation to be paid therefor to the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity for taking or using such grounds, and to ascertain and determine the just compensation to be paid therefor; and having viewed

To lay out and alter streets, &c.

Proceedings in case individual property is required to be taken.

When parties cannot agree, jury to be summoned.

Oath of jurors.

"the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises for their respective losses, according to the several interests and estates therein; and

Justice to render judgment on verdict.

Damages to be tendered before street &c. shall be opened.

the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, highway or bridge, shall be made, opened, established or altered, to the claimant or claimants thereof. It shall

thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Pro-*

Claimant may appeal, on giving notice, &c.

*vided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to said justice in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of such jury, and the judgment of said justice as aforesaid; and upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Costs of appeal, by whom to be paid.

Justices of township to try offences.

Sec. 16. Any justice of the peace of the township of Lexington is hereby authorized and empowered to inquire of, hear, try and determine all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established, by the said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders, as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided, always*, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury.

Jury may be demanded.

Sec. 17. The marshal, recorder, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct, but the residue of the common council shall not receive any pecuniary compensation for their services. Compensation of officers.

Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof; previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures; which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village. Duties of common council relative to settlement of accounts, &c.

Sec. 19. In all processes, prosecutions, and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding: Citizens not incompetent as jurors or witnesses, by reason of citizenship.  
*Provided,* That such interest be only that which is in common with the citizens of said village.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: Service of process against corporation.  
*Provided,* That the first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

Sec. 21. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof; *Provided,* The said taxes so assessed and collected Powers of common council in relation to taxes.

shall not exceed in any one year, one-fourth of one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax; and every assessment of taxes lawfully imposed or laid by the said common council, on any lands, tenements and hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands and tenements and hereditaments, from the time of

**Tax a lien on premises.**

making such assessments or imposing such tax until paid; and the owner or occupants or parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it

**When property to be sold for tax.**

shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least four weeks, once in each week, previous to such sale; and the said marshal shall give to the said purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the

**Certificate to be given to purchaser.**

sale shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser or purchasers, his or their

**If premises not redeemed in two years, marshal to execute deed.**

**Effect of deed.**

heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and

**Prima facie evidence of regularity.**

the said conveyance shall be prima facie evidence that the sale and all the proceedings therein, prior to such sale, were regular, according to the provisions of this act; and every such conveyance executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate so sold, shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left, for the inspection of all persons interested, and of the time when, and the place where, they will meet to hear the objections of any persons interested to the valuation so made by them; and at the time so appointed the assessors shall meet, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

Notice of completion of assessment.

When assessors may reduce valuation.

When common council may reduce valuation.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Common council to make out taxes.

Marshal to collect tax.

Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the common council.

Marshal to pay over money to treasurer.

Sec. 25. The common council shall have power to appoint one or more street commissioners, or other officers, to superintend and direct the making, paving, repairing and opening all streets, lanes, alleys, side-walks, highways or bridges, within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such side-walks to

Street commissioners may be appointed.

Further powers of common council.

be assessed on lots or premises adjoining such improvements, or by general assessments or otherwise, as they may direct.

**Organization and regulations of fire companies.**

Sec. 26. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council; and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village, a certificate, which shall be evidence thereof; and the members of such company, during their attendance [continuance] as such shall be exempt from serving on juries and working a poll tax on the streets and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engines, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purposes of working or examining said engine and other instruments, with a view to their perfect order and repair.

**Fines for neglect of duty.**

**Exemption of members of fire companies.**

**Meetings of fire companies.**

**Duty of marshal in case of fire.**

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing said fire, as in preventing any goods from being stolen, and also, in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Sec. 28. This act shall be deemed a public act.

Sec. 29. This act shall take effect in thirty days from and after its passage.

Approved February 10, 1855.

[ No. 62. ]

AN ACT to amend section six, chapter thirty-four, title six of the revised statutes of eighteen hundred and forty-six.

SECTION 1. *The People of the State of Michigan enact, That* Sec. 6, chap. 34 title 6 R. S. amended. relative to interest.  
 section six, of chapter thirty-four, title six of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended, by adding thereto the words: "*Provided, That on a judgment rendered on any written instrument having a different rate, the interest shall be computed at the rate specified in such instrument, not exceeding ten per centum,*" so that said section as amended, shall read as follows:

"Sec. 6. Interest may be allowed and received upon all judgments Interest on judgment. at law, for the recovery of any sums of money, and upon all decrees in chancery for the payment of any sums of money, whatever may be the form or cause of action or suit, in which such judgment or decree shall be rendered or made; and such interest may be collected on execution, at the rate of seven per centum per annum: *Provided, That a judgment rendered on any written instrument, having a different rate, the interest shall be computed at the rate specified in such instrument, not exceeding ten per centum.*"

Approved February 10, 1855.

[ No. 63. ]

AN ACT to organize the township of Mussey, in St. Clair county.

SECTION 1. *The People of the State of Michigan enact, That* Township of Mussey organized.  
 all that part of the county of St. Clair, known and designated as town seven north, of range thirteen east, be and the same is hereby set off and organized into a separate township by the name of Mussey, and the first township meeting shall be held at the dwelling house of Daniel Alverson, in said township, on the first Tuesday in April next.

Sec. 2. This act shall take effect immediately.

Approved February 10, 1855.

[ No. 64. ]

AN ACT to repeal act number eighty-one, of the session laws of eighteen hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact, That*

Act No. 81  
of sess. laws  
of 1853 re-  
pealed.

act number eighty-one of the session laws of eighteen hundred and fifty-three, being an act entitled an act appropriating certain highway taxes for the improvement of roads in the counties of Eaton and Ionia, approved February 14th, 1853, is hereby repealed.

Sec. 2. This act shall take effect immediately.

Approved February 10, 1855.

[ No. 65. ]

AN ACT to authorize the Common Council of the city of Detroit to refund certain taxes.

Common-  
council au-  
thorized to  
examine &  
refund cer-  
tain taxes.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Detroit, be and the same is hereby authorized and empowered to examine into all claims presented to said council prior to the passage of this act, for the remission or refunding of city, school and highway taxes, based upon any assessments contained on the assessment rolls of said city, for the year eighteen hundred and fifty-four; and in all cases in which the said council shall be satisfied after due examination, that any taxes paid on account of such assessments ought in justice to be refunded, in consequence of assessments having been altered and increased unlawfully, after the same were made, and in consequence of property having been twice assessed, and the taxes thereon paid twice, the said council shall, by resolution, direct the auditor of said city to draw his warrant, payable out of the general fund of the said city, in favor of the person or persons aggrieved by such wrongful assessments, for the amounts which the council shall under the circumstances, deem it right and proper to refund, or said council may grant such other relief as shall seem proper in each particular case.

To direct  
auditor to  
draw war-  
rant, &c.

Examina-  
tion, to be  
made at re-  
gular sess'n.

Sec. 2. The examination to be made in pursuance of the foregoing section, may be made by the said common council at any of its sessions, or by any committee that the said council may appoint to conduct such examination: *Provided*, That the auditor shall not draw his warrant for the refunding of any taxes, except upon a resolution passed by the said council, at a regular or special session.

Sec. 3. This act shall take effect immediately.

Approved February 10, 1855.



[ No. 66. ]

AN ACT for the maintenance and regulation of a bridge at Ives' Dock, in the town of Springwells.

SECTION 1. *The People of the State of Michigan enact*, That Lewis Ives, and any person or persons who may hereafter become the owner or owners of the dry dock hereinafter named, are hereby authorized to maintain and use a floating, swing, or draw bridge, on the river road, (so called,) across the entrance to the dry dock constructed by said Lewis Ives, in the town of Springwells, in Wayne county, subject to the provisions of this act.

Sec. 2. Said bridge shall be opened only for the necessary purposes of said dock; shall not be kept open at any time longer than is necessary with all reasonable dispatch, for the entrance to or discharge from said dock, of vessels or water craft, or for the needful repair of said bridge, or other necessary uses and purposes; and on no occasion shall said bridge be kept open longer than half an hour.

Sec. 3. The owner or owners of said dock shall construct and maintain a good and commodious side road, leading from and into said river road around the margin of said dock, which said side road shall consist of good three inch oak plank, eight feet wide, properly laid; and said plank shall be laid on the outer side of the land owned and used by said Ives for said dry dock, and be put and kept in a state of repair equal to said river road; and at all times when the said bridge is opened the said side road shall be kept open, free and unobstructed for all persons to pass and repass thereon, in all respects, as if the same were a public highway, and said side road shall be under the supervision of the highway commissioners of the town of Springwells.

Sec. 4. Said bridge shall, at all times, except when opened as herein provided, be so placed and kept as to afford easy and commodious passage for all persons passing along said river road; shall be kept in good repair by the owner or owners of said dry dock, and shall always be furnished, on each side, with a good safe and substantial railing, the whole length thereof.

Sec. 5. If the owner or owners of said dry dock shall at any time wilfully or negligently suffer said bridge to be or remain opened longer, or otherwise than is herein provided, or shall suffer said side road to be closed or obstructed at any time when said bridge is opened, or shall

suffer said bridge or side road to become and remain out of lawful repair, said owner or owners shall forfeit and pay to the commissioners of highways for the town of Springwells, for the use of said town, a fine not exceeding ten dollars for each and every offence, to be recovered in an action of debt, in the names of said commissioners, before any justice of the peace of said township.

Sec. 6. This act shall take effect from and after the twentieth day of April next.

Approved February 10, 1855.

[ No. 67. ]

AN ACT to amend chapter fifty-eight, title eleven of the revised statutes of 1846, relative to the power of school districts in furnishing fuel for schools.

Qualified voters may direct purchasing of site, &c., & prescribe the amount of fuel and how furnished.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-one of chapter fifty-eight and title eleven, be amended so as to read as follows: "Sec. 21. The said qualified voters shall also have power at any such meeting to direct the purchasing or leasing of an appropriate site, and the building, hiring or purchasing of a school house, and the amount of fuel to be furnished, and the time and mode of furnishing it for the succeeding year; whether by apportionment to persons having scholars to send to such school, in wood, to be delivered at the school house, or in money to be assessed on a rate bill, or by a tax on the property of the district, and to impose such tax as may be sufficient for the payment thereof, subject to the limitation contained in the succeeding section."

To ascertain requisite quantity of fuel for each person, and give notice to furnish, &c.

Sec. 2. That section forty be amended so as to read as follows: "Sec. 40. He shall ascertain, as near as practicable, before the commencement of each school term, if the district at any regular meeting so direct, the just proportion which each person having scholars to send to the school ought to furnish, of the fuel for such term, and give each such person at least five days notice of the time within which he is required to deliver the same at the school house; and if any person shall not deliver his proportion as required, the same shall be furnished by the director, and the amount thereof shall be assessed on the rate bill to the person neglecting to deliver his proportion as aforesaid.

Sec. 3. This act shall take effect immediately.

Approved February 10, 1855.

[ No. 68. ]

AN ACT appropriating certain highway taxes for the improvement of a road in the counties of Saginaw, Tuscola, Genesee and Lapeer.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Description of road</sup> for the purpose of improving a highway from the village of Lower Saginaw, in the county of Saginaw, to the village of Vassar, in the county of Tuscola, and thence to some point (to be selected) which shall be near the centre of town (10) ten north, of range (8) [eight] east, with a branch thereof to the village of Goodrich, in the county of Genesee, and a branch thereof to the village of Lapeer, in Lapeer county, all of the non-resident highway taxes that shall be assessed upon the non-resident lands within the limits of the surveyed townships through or into which said highway shall pass, excepting the south half of township <sup>Tax to be appropriated</sup> number eleven north, in range seven east, known as the township of Tuscola, and sections 1, 2, 11, 12, 13, 14, 23 and 24 in town 12 north, of range 7 east, be and the same are hereby appropriated for the construction and improvement of such highway, for the period of five years from the passage of this act, to be expended as hereinafter provided.

Sec. 2. That Henry Raymond, of Saginaw county, Townsend North, <sup>Commissioners appointed.</sup> of Tuscola county, for the main line, and Enos Goodrich, of Genesee county, for the Goodrich branch, and Enoch J. White, of Lapeer county, for the Lapeer branch, be and they are hereby appointed special commissioners, whose duty it shall be to superintend the expenditure of such sums of money as may from time to time be collected and received by them, for the benefit and improvement of said road, and to direct and determine the manner in which said labor shall be applied: *Provided*, That all moneys collected in the several counties herein before mentioned, shall be expended within the limits of each county wherein <sup>Money to be expended in county where collected.</sup> the same may have been collected.

Sec. 3. Any overseer of highways within such township, or any township treasurer thereof, having received any portion of such tax, by <sup>Duty of overseers of highways.</sup> way of commutation, shall on demand of such special commissioners, or either of them, pay over to them any sums so received, and the receipt of such commissioners, or either of them, shall release such overseer or treasurer from any further liabilities therefor.

Sec. 4. That said commissioners may receive donations and subscriptions for the benefit of said highway, and shall cause the same to be <sup>May receive donations.</sup>

faithfully applied to the improvement thereof, and may sue for and recover any or all subscriptions thereto, in their own name, or either of them.

Commissioners  
to account  
to supervisors.

Sec. 5. It shall be the duty of such special commissioners, to render to the board of supervisors of each county at their annual session, a true account of the application and disbursement of all moneys they may have received in such counties respectively, each year.

To give  
bond.

Sec. 6. Before the said special commissioners shall draw any money from the treasuries of the aforesaid counties by virtue of this act, the commissioners so drawing shall give a bond to the treasurer of the proper county, with one or more sureties, in double the amount so to be drawn, conditioned for the faithful performance of their duties as such commissioners, which bond shall be approved by such treasurer, and be filed with the clerk of the proper county.

Compensation  
of commissioners.

Sec. 7. The special commissioners shall receive as compensation for their services, one dollar per day, while actually engaged in the service of said road, and all necessary traveling expenses, which amount shall be audited and allowed by the board of supervisors of the respective counties, and paid out of the fund created by this act, and the said board of supervisors may require said special commissioners to verify their account by affidavit.

Vacancy in  
office of  
commissioner,  
how filled.

Sec. 8. In case any of the said special commissioners shall neglect or refuse to serve as such, or if any vacancy shall occur by death, removal or otherwise, the county treasurer, sheriff and prosecuting attorney of the county in which such vacancy may occur, or either of such officers, shall have power to appoint commissioners to fill such vacancy; and on application in writing, made by five freeholders, resident citizens of the township in which such commissioner did reside, such officers, or either of them so receiving such application, shall proceed at once, [or without any unnecessary delay,] to appoint a commissioner [to fill such vacancy; the commissioner] so appointed shall be required to give bonds in the like manner, and have the same powers as the commissioners appointed by this act; and the officer or officers making such appointment, shall cause a record of the same to be made in the office of the county clerk of said county.

This act shall take effect immediately.

Approved February 10, 1855.

[ No. 69. ]

AN ACT to repeal section thirty-nine of chapter sixteen of the revised statutes of 1846, and to substitute a new section therefor, to stand as section thirty-nine of said chapter.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Section of officers.</sup> between the hours of twelve o'clock at noon, and three o'clock in the afternoon, there shall be elected the other officers to be elected at said meetings; and all business of said meetings requiring a viva voce vote, (except that required by section eight of said chapter,) shall be then transacted.

Sec. 2. That section thirty-nine of chapter 16 of the revised statutes <sup>Repeal.</sup> of 1846, be and the same is hereby repealed, and the foregoing section of this act shall stand as section thirty-nine of said statute.

This act shall take effect immediately.

Approved February 10, 1855.

[ No. 70. ]

AN ACT to establish Teachers' Institutes.

SECTION 1. *The People of the State of Michigan enact, That* <sup>When superintendent to appoint and make arrangements for institute.</sup> whenever reasonable assurance shall be given to the Superintendent of Public Instruction, that a number not less than fifty, or in counties containing a population of less than twelve thousand inhabitants, whenever twenty-five teachers of common schools shall desire to assemble for the purpose of forming a teacher's institute, and to remain in session for a period of not less than ten working days, said Superintendent is authorized to appoint a time and place for holding such institute, to make suitable arrangements therefor, and to give due notice thereof.

Sec. 2. For the purpose of defraying the expenses of rooms, fires, <sup>Money for expenses, &c., how to be drawn.</sup> lights, attendance, or other necessary charges, and for procuring teachers and lecturers for said institute, the Auditor General shall, upon the certificate of the Superintendent of Public Instruction, that he has made arrangements for holding such institute, draw his warrant upon the <sup>Amount.</sup> State Treasurer for such sum as said Superintendent shall deem necessary for conducting such institute, which sum shall not exceed two hundred dollars for any one institute, and shall be paid out of the general fund.

**May appoint suitable persons, &c.** Sec. 3. Said Superintendent, in case of inability personally to conduct any institute, or to make the necessary arrangements for holding the same, is authorized to appoint some suitable person or persons for that purpose: *Provided*, That not more than eighteen hundred dollars shall be drawn from the treasury in any one year, to meet the provisions of this act.

**Provide.**

This act shall take effect immediately.

Approved February 10, 1855.

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[ No. 71. ]

AN ACT to authorize the Auditor General to issue a land warrant to Luke H. Parsons.

**New warrant to issue.** SECTION 1. *The People of the State of Michigan enact*, That the Auditor General be and he is hereby authorized to issue a land warrant upon the Commissioner of the Land Office, to Luke H. Parsons, for the amount of land warrant number 1308, being sixty-one dollars and fifty cents, issued by said Auditor General to said Luke H. Parsons, the time for the presentation of which warrant expired on the eleventh day of November, one thousand eight hundred and fifty-one.

**Old warrant to be delivered up.** Sec. 2. Before such warrant shall be issued, as provided in the preceding section, the aforesaid warrant numbered 1308, shall be delivered up and surrendered to the Auditor General; and such warrant, when so issued, shall only be made payable at any time before the first day of March next, in internal improvement lands, appropriated under and by virtue of act number 95 of the session laws of 1848.

Approved February 10, 1855.

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[ No. 72. ]

AN ACT supplemental to an act passed March 21, 1837, amendatory of "an act to incorporate the Michigan and Huron Institute."

**Name of institute changed.** SECTION 1. *The People of the State of Michigan enact*, That from and after the passage of this act, the Kalamazoo Literary Institute, located at Kalamazoo, shall be and the same is hereby known by the name of the Kalamazoo College, and that the trustees thereof shall have power to confer the honors and degrees usually granted by colle-

**Authority to confer degrees.**

giate institutions, upon such persons as may be recommended by the professors of said institution to be worthy thereof: *Provided*, That the <sup>Provide.</sup> primary degrees shall not be conferred on any students who shall not have passed through a course of studies equivalent to, and as thorough as that prescribed by the Regents of the University of Michigan for candidates for degrees.

This act shall take immediate effect.

Approved February 10, 1855.

[ No. 73. ]

AN ACT relative to the University Fund.

SECTION 1. *The People of the State of Michigan enact*, That the Auditor General be required to credit the University fund with the <sup>Interest on the university fund remitted.</sup> entire amount of the interest that has accrued since the thirty-first day of December last, and that may hereafter accrue upon the whole amount of University lands sold, and that may hereafter be sold, and to draw his warrant upon the State Treasurer, which he is hereby required to pay to the treasurer of the University upon his application therefor, from time to time, as the said interest so credited may accrue and be received.

Sec. 2. This act is hereby limited in its operation to the period of <sup>Limitation of this act.</sup> two years from and after the thirty-first day of December, eighteen hundred and fifty-four.

This act shall take effect immediately.

Approved February 10, 1855.

[ No. 74. ]

AN ACT to amend an act entitled an act to incorporate the village of Port Huron.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Act amended.</sup> section ten of an act entitled an act to incorporate the village of Port Huron, be and the same is hereby amended, so as to read as follows:

"Sec. 10. The electors of said village, in legal meeting assembled, shall have power to lay taxes on all real and personal estate in said village, not exceeding one per cent upon said real and personal estate in <sup>Electors authorized to levy tax.</sup>

To issue bonds, not exceeding \$10,000, in bond not less than \$100.

Rate of interest, and time.

one year, and shall by vote, viva voce, determine at such meetings the amount of said taxes, and also authorize the president and trustees of said village to issue the bonds of said village to an amount not exceeding ten thousand dollars, in all outstanding at any one time, in sums not less than one hundred dollars, at a rate of interest not exceeding ten per cent. per annum, for a time not less than ten nor more than twenty years, for purposes of improvement of said village.

This act shall take effect immediately.

Approved February 10, 1855.

[ No. 75. ]

AN ACT to amend an act entitled "an act to incorporate the Southern Michigan Telegraph Company," approved April 2, 1850.

Act No. 290 of 1850, amended.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "an act to incorporate the Southern Michigan Telegraph Company," approved April 2, 1850, be and the same is hereby amended by adding thereto the following, to stand as section eight:

May assess shares not exceeding ten per cent. per annum, &c.

"Sec. 8. The directors of said company shall have power to levy assessments upon the shares of said stock, not exceeding ten per cent. in any one year, for the purpose of rebuilding, reconstructing and repairing such line or lines of telegraph, or its appurtenances, and for the purpose of paying and satisfying any existing liens or incumbrances

Forfeit and sell for non-payment.

upon the property or franchises of the company; and may forfeit and sell any share or shares of such stock for non-payment of any such assessments:

Notice to be given.

*Provided*, That notice in writing of such assessment or assessments shall be given by the secretary or superintendent thereof, directed to each stockholder or owner of any share or shares of such stock, at his place of residence, if known; and if any such stockholder, or the residence of any stockholder or owner of any share or shares of stock shall not be known, notice of such assessment or assessments shall be given by publishing the same in at least one newspaper published in the city of Detroit, and also in at least one newspaper published along the line of said telegraph, for at least four successive weeks, once in each week: *And provided also*, That no sale of such stock shall be made until notice thereof has been given by publishing the

Notice to be published in certain cases.



same in at least one newspaper published in the city of Detroit, and in one published along the line, for at least four weeks, of the time and place of sale."

Sec. 2. This act shall take effect whenever the said company shall give their assent to its provisions by filing such assent in the office of the Secretary of State: *Provided*, Such assent shall be in writing, and signed by a majority of the directors.

When this act to take effect.

Approved February 10, 1855.

[ No. 76. ]

AN ACT to amend an act entitled "an act for the relief of James Waters," approved February fifth, A. D. one thousand eight hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled an act for the relief of James Waters approved February fifth, A. D. one thousand eight hundred and fifty-three, be amended by striking out the word "north," in the fourth line of section one of said act, and inserting therefor the word "south," so that said section, as amended, will read as follows:

"SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office is hereby directed to execute and make a certificate of sale to James Waters, for the south-west quarter of south east quarter of section sixteen, township six north, of range twelve west, if the said Waters shall, prior to the first day of May next, pay to the State Treasurer, all interest which shall have accrued on said land, at the time said Waters may apply for said certificate."

When commissioner to issue warrant.

Sec. 2. This act shall take effect immediately.

Approved February 10, 1855.

[ No. 77. ]

AN ACT relative to Indictments.

SECTION 1. *The People of the State of Michigan enact*, That in all indictments for murder and manslaughter, it shall not be necessary to set forth the manner in which, or the means by which the death of the deceased was caused; but it shall be sufficient in any indictment for

Indictment for murder, what to contain.

murder to charge that the defendant did wilfully, and of his malice aforethought, kill and murder the deceased; and it shall be sufficient in any indictment for manslaughter, to charge that the defendant did kill and slay the deceased.

**Indictments for forgery, &c.**

Sec. 2. That in all indictments for forgery, or for any of the offences mentioned in sections two, three, four, five, six, seven, twelve and thirteen, of chapter one hundred and fifty-five of the revised statutes, or for obtaining any instrument or signature thereto, by false tokens or pretences, and in all indictments for forgery at common law, and in all other cases, it shall not be necessary to set forth any copy of the instrument or writing, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same.

**Perjury, &c. Substance sufficient, without stating declaration, or authority of court.**

Sec. 3. In indictments for perjury or subornation of perjury, or for endeavoring to incite or procure any person to commit the crime of perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath was made, without stating the declaration itself, or other proceedings, or the commission or authority of the court or person before whom such offence was committed.

**Proof of felony on trial for misdemeanor not to entitle defendant to acquittal.**

Sec. 4. If, upon the trial of any person for a misdemeanor, the facts given in evidence amount in law to a felony, he shall not, by reason thereof, be entitled to an acquittal of such misdemeanor, and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the court before which the trial shall be had, shall discharge the jury from giving any verdict upon such trial, and shall direct such person to be indicted for felony.

**Accessories, &c., may be charged, &c. without the principal.**

Sec. 5. Any number of accessories after the fact, or receivers, buyers or persons aiding in the concealment of any stolen money, goods or property, may be charged with substantive felonies in the same indictment, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

**Where several persons jointly indicted, one or more may be convicted.**

Sec. 6. If two or more persons are indicted for jointly receiving, buying or aiding in the concealment of any stolen property, and the evidence shall be that one or more persons separately, knowingly received, bought or aided in the concealment of any part of such property, the jury may convict, upon such indictment, those who are proved to have received, bought or aided in the concealment of any part of such property.

Sec. 7. It shall not be necessary to state any venue in the body of any indictment, but the county, city, or other jurisdiction named in the margin thereof, shall be taken to be the venue for all the facts stated in the body of such indictment: *Provided*, That in cases where a local description is or hereafter shall be required, such local description shall be given in the body of the indictment.

*Venue need not be stated in body of indictment.*

Sec. 8. No indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appear by the record," nor because any person mentioned in the indictment is designated by a name of office, or other descriptive appellation, instead of his proper name, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding the indictment, or any impossible day, or on a day that never happened, nor for [want of] a proper venue, nor for a want of a proper and formal conclusion, nor for want of the statement of value or price of any matter or thing, or the amount of the damage, injury or spoil in any case where the value or price, or the amount of damage, injury or spoil is not of the essence of the offence.

*Certain informalities not to vitiate indictments.*

Sec. 9. Every objection to any indictment for any formal defect apparent on the face thereof, shall be taken by demurrer, or motion to quash such indictment before the jury shall be sworn, and not afterwards; and every court before whom such objection shall be taken for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended in such particular, and thereupon the trial shall proceed as if no defect had appeared.

*Objection to be taken before jury shall be sworn.*

Sec. 10. Whenever in any indictment it shall be necessary to make any averment of any record, pleading, warrant, mittimus, or other process, or any written instrument, it shall be sufficient to describe the same by its purport, without setting out any copy thereof.

*Copy of record, pleading not necessary.*

Sec. 11. Any court of record in which the trial of an indictment is had, may forthwith allow amendment in case of variance between the statement in the indictment on which the trial is had, and the proof, in the following cases: in the names of any county or place stated in the indictment, in the name or description of any person or body stated to

*Amendment allowed in certain cases.*

be the owner of any property, which is the subject of the offence charged, or alleged to have been injured by the commission of the offence, or the christian or sir name of any person, the name or description of any thing, the name or description of any writing, as well records as others, or the ownership of any property described in the indictment, and in all cases whenever the variance between the facts alleged in the indictment, and those proved by the evidence, are not material to the merits of the case.

Other amendments

Sec. 12. Such court may direct such other amendments in other parts of the indictment, as the making of the amendments in the last section mentioned shall render necessary, and may in its discretion proceed in or postpone such trial.

Offence described in words of statute sufficient after verdict.

Sec. 13. When the offence charged has been created by any statute, or the punishment of such offence has been declared by any statute, the indictment shall, after verdict, be held sufficient to warrant the punishment prescribed by the statute, if it describe the offence, in the words of the statute.

Misnomer may be amended.

Sec. 14. Whenever the plea of a misnomer shall have been pleaded to an indictment, the court in which it shall be pending may forthwith cause the indictment to be amended, and call upon the parties to plead thereto and to proceed as if no such plea had been pleaded.

Money a sufficient description of bank notes, &c.

Sec. 15. In any prosecution for larceny or robbery of the money, bank notes or promissory notes, or bills of exchange of any person, it shall be sufficient to allege generally in the indictment, a larceny or robbery of money; and it shall be sufficient to maintain the charge in the indictment, that any money, bank notes, promissory notes, or bills of exchange, were stolen or obtained by robbery.

Value of several articles may be stated collectively.

Sec. 16. In any indictment for larceny, or for any other offence in which the value or price of any property shall be stated, it shall be sufficient to state the value or price of several articles collectively; and in case the defendant shall be found guilty, or shall plead guilty as to only a part, and a jury shall find, or the defendant by his plea shall admit, the value of such property, the court shall render judgment in the same manner as if the separate value of each article of said property had been alleged in the indictment.

Facts conferring jurisdiction need not be stated.

Sec. 17. In pleading a judgment or other determination of, or proceedings before, any court or officer, the facts conferring jurisdiction need

not be stated; but it shall be sufficient to state that the judgment or determination was duly rendered or made, or the proceedings duly had before such court or officer.

Sec. 18. An indictment for libel need not set forth any extrinsic facts, In libel, certain facts need not be set forth. for the purpose of showing the application to the party libeled, of the defamatory matter on which the indictment is founded, but it shall be sufficient to state generally that the same was published of and concerning him:

Sec. 19. The distinction between an accessory before the fact, and a principal, and between principals in the first and second degree in cases of felony, Certain distinctions abolished. is abrogated; and all persons concerned in the commission of a felony, whether they directly commit the act constituting the offence, or aid and abet in its commission, though not present, may hereafter be indicted, tried and punished, as principals, as in the case of a misdemeanor.

Sec. 20. An indictment for larceny may contain also a count for obtaining property by false pretences, or a count for embezzlement, or for receiving, having in possession, or aiding in concealing the same property, knowing it to have been stolen, and the jury may convict of either In larceny, several counts relative to same property may be joined. offence; and the jury who shall try the same may find all or any of the persons indicted, guilty of either of the offences charged in the indictment.

Sec. 21. The preceding sections shall apply to all pleas, replications To apply to pleadings. or other pleadings.

Approved February 10, 1855.

[ No. 78. ]

AN ACT to establish a House of Correction for Juvenile Offenders.

SECTION 1. *The People of the State of Michigan enact*, That there shall be established in this State, an institution under the name and style of the "House of Correction for Juvenile Offenders," and that the sum of twenty-five thousand dollars be and the same is hereby appropriated from the general fund, for preparing the grounds, for the erection of suitable buildings and fixtures therefor: *Provided however,* House of correction established. Appre priation.

**Proviso.** That it shall not be lawful for the board of control hereinafter created, to draw upon the sum hereby appropriated, an amount exceeding twenty-five thousand dollars in any one year.

**Board of control.** Sec. 2. The general supervision and government of said House of Correction, shall be vested in a board of control, to consist of six members, who shall be appointed by the Governor, by and with the advice and consent of the Senate; and thereafter there shall be two of said board appointed every two years, who shall hold their offices for six years, and until their successors are appointed and qualified. The members of

**Body corporate.** said board of control, shall constitute a body corporate, under the name and style of the "Board of Control of the House of Correction for Juvenile Offenders," with the right of suing and being sued, of making and using a common seal, and of altering the same at pleasure: *Provi-*

**When powers of board of control to cease, &c.** *ded, however,* That the powers of said board of control shall cease when a general system of government shall be provided by law under the provisions of this act; and upon demand by the officer designated under such new organization for that purpose, the said board of control shall deliver into his possession all the books, maps, plans, money, property and effects, grounds, fixtures and buildings of said institution, in the hands of said board or either of them, in virtue of the provisions of this act.

**Board of control to establish site, &c.** Sec. 3. The said board are hereby empowered to select and establish with all convenient dispatch, a site for the House of Correction, and for that purpose they are also hereby authorized to receive proposals for the donation of lands, money, or of building materials, for the location and erection of such House of Correction, in behalf of the State, and for the benefit of said institution: *Provided,* That good and sufficient titles to any lands thus granted, and securities for the payment of the money and delivery of the materials thus donated, shall be obtained by said board before any such site shall be fully established.

**When site is established, to deposit certificate, conveyance, &c.** Sec. 4. The said board having established a site for said institution, shall immediately deposit a certificate of their determination, together with all conveyances of lands granted, and securities for moneys or materials donated, in the office of the Auditor General. They shall also prepare and adopt a plan for the grounds, buildings and fixtures neces-

sary for such institution, of such form, dimensions, style and finish, as <sup>To prepare</sup> when completed, to come within the cost and limit of the sum here- <sup>plan for</sup> buildings. <sup>inbefore</sup> appropriated.

Sec. 5. The board of control having secured a site, and adopted a <sup>To advertise</sup> plan for the grounds and buildings, which shall contain at least twenty <sup>for propo-</sup> acres, shall forthwith proceed to advertise for proposals for the erection <sup>sals for</sup> and furnishing of such parts of the buildings in accordance with their <sup>building,</sup> plan, as may be necessary to put the said institution in readiness, at an <sup>etc.</sup> early period, for the reception, confinement and discipline of youthful offenders; and upon the reception of such proposals, they may in their discretion, make contracts with such bidders as shall make proposals <sup>Make contracts.</sup> best conducive to the interests of the State, taking into consideration the price, time of performance, and the responsibility of the contractor, with such sureties as he may offer; which contracts, when duly executed, shall also be deposited in the office of the Auditor General.

Sec. 6. Said board shall make out and deliver to the Secretary of <sup>To make re-</sup> State, on or before the first day of January in each year hereafter, a <sup>port to Sec.</sup> detailed statement of their operations, and of all expenditures made by <sup>of State.</sup> them in behalf of said institution. The traveling and other actual ex- <sup>Actual ex-</sup> penses necessarily incurred by the members of said board, as such, and <sup>penses to be</sup> in the discharge of their duties, may be retained by them out of appro- <sup>allowed, etc.</sup> priations for said institution, subject to the determination of the Board of State Auditors, settling the proper amount upon an account stated.

Sec. 7. It shall be the duty of the members of the board of con- <sup>Organization</sup> trol to meet at such time and place as the Governor shall select, after <sup>of board of</sup> their appointment, and perfect their organization by taking and subscri- <sup>control.</sup> bing the constitutional oath of office, and by electing of their own body, <sup>Oath.</sup> a treasurer, a clerk, and an acting commissioner, who shall severally hold their offices for one year, and until their successors are elected and qualified. The said commissioner shall have, under the general supervision of said board, the superintendence of the erection of the necessary buildings, and the management of the affairs of said institution generally. The salary of the said commissioner shall be seven hundred <sup>Compensation.</sup> dollars per annum, commencing with his election as such, and the salaries of the other members of said board shall be at the rate of three dollars per diem, for the time actually devoted by them respectively to the business affairs of said institution: *Provided, always,* That the or-

ganization, powers, duties, and salaries of such board, and of each of the members thereof in virtue of this section, shall not extend beyond the limitation provided in section two of this act: *Provided*, Said board of control shall have power to elect an acting commissioner who is not a member of said board, if they shall deem the same advisable.

Meetings of  
board and  
their duties.

Sec. 8. It shall be the duty of the board of control, to meet once in every three months, on their own adjournments, and oftener if they shall deem it advisable, at which meetings they shall prepare and carefully mature a system of government for said House of Correction for Juvenile Offenders, embracing all such rules, regulations and general laws, as may be deemed necessary for preserving order, for enforcing discipline, for imparting instruction, for preserving health, and generally for the proper physical, intellectual and moral training of the offenders; which said system of government shall be thus prepared by said board and reported by them to the Governor of this State, on or before the first day of December, one thousand eight hundred and fifty-five, and every year thereafter, for the use of the Legislature.

Report to  
Governor.

One of the  
board to  
visit similar  
institution.

Sec. 9. For the purpose of maturing said system of government and discipline, it shall be competent for said board to authorize one of their number to visit some similar institution now in operation, and of the best repute, and by a personal inspection and investigation, to acquire an insight into the principles and practical working of the model system thus selected, for the information and benefit of said board; the expenses actually and necessarily incurred in any such visit and investigation, to be charged against the appropriation hereinbefore made.

Expenses to  
be charged  
against ap-  
propriation.

Who to be  
sentenced to  
House of  
Correction.

Sec. 10. From and after the time that said institution shall be prepared for the reception of offenders, every person who at the time of his or her conviction of a prison offence, shall be under the age of fifteen years, and such other persons so convicted, between the ages of fifteen and twenty years, as the circuit court, or other courts having jurisdiction at the time of pronouncing sentence may deem fit subjects therefor, shall be sentenced to said House of Correction for Juvenile Offenders, for the term of their imprisonment, to be designated in their sentence.

To be dis-  
connected  
with State  
prison.

Sec. 11. The House of Correction hereby established for the instruction and reform of juvenile offenders, shall be entirely disconnected with the State Penitentiary at Jackson.



Sec. 12. Whenever said institution shall be so far completed as to allow of the reception and proper discipline of juvenile offenders, it shall be lawful for all courts of record having criminal jurisdiction, and for all police courts and justices' courts, in the exercise of their proper criminal jurisdiction, and said courts are hereby severally authorized, to sentence any offender of the respective classes contemplated by this act, to the said House of Correction for Juvenile Offenders, for such periods of time as they may deem best, not exceeding however, the limitation of imprisonment prescribed by law.

Sec. 13. It shall be lawful for the board of control, whenever in their discretion they may deem any of the offenders imprisoned in the said institution, to have been so far reformed as to justify his or her discharge, to bind him or her, or them, by articles of indenture for that purpose to be entered into, to any suitable person residing in this State, who will engage to instruct said offender in some proper art or trade according to the terms of said articles of indenture.

Sec. 14. The said board of control shall locate the said House of Correction for Juvenile Offenders, at or near Lansing, in the county of Ingham: *Provided*, That a suitable piece of land, of not less than twenty acres, shall be donated for that purpose, free of all charge to the State.

Sec. 15. This act shall take effect immediately.

Approved February 10, 1855.

[ No. 79. ]

AN ACT to organize the township of North Star, in Gratiot county.

SECTION 1. *The People of the State of Michigan enact*, That township ten north, of range two west, in the county of Gratiot, be and the same is hereby organized into a separate township, by the name of North Star, and the first township meeting shall be held at the dwelling house of Peter Hoffman, in said township.

Sec. 2. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 80. ]

AN ACT to authorize the formation of County and Town Agricultural Societies.

Organization  
of societies.

SECTION 1. *The People of the State of Michigan enact*, That any ten or more persons, inhabitants of this State, who shall desire to form a town or county agricultural or horticultural society, in any county, town, city or village of this State, may make, sign and acknowledge duplicate articles of association, before any officer authorized to take acknowledgments of deeds in this State, and file the same in the office of the Secretary of the State Society, and also in the office of the county clerk of the county in which the business of the society is to be conducted; in which articles shall be stated the name by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers who shall manage the same, and the names of such directors, trustees, or managers thereof, for the first year of its existence.

Incorporation.

Sec. 2. Upon filing such articles of association as aforesaid, the persons who shall have signed the same, and their associates and successors, shall thereupon, and by virtue of this act, become a body politic and corporate, by the name stated in such articles: *Provided*, No two societies shall assume the same name; and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; and they and their successors may have and use a common seal, and the same may alter and change at pleasure; and they and their successors, by their corporate name, shall in law be capable of taking and receiving, purchasing and holding real estate for the purpose of their incorporation, but for no other purpose, to an amount not exceeding the sum of twenty-five thousand dollars in value, if a county society, and ten thousand dollars if a town, village or city society, and of personal estate for a like purpose, to an amount not exceeding ten thousand dollars, if a county society, and five thousand dollars if a town, village or city society; and may make all necessary by-laws for the management of said society, not inconsistent with the laws of this State or of the United States.

Limitation  
of amount  
of property  
to be held.

Stockholders.

Sec. 3. Any person who shall pay into the treasury of said society, annually, in such time and manner as the by-laws thereof shall direct, a

sum of money, not less than fifty cents nor more than one dollar, and subscribe to the articles of association, shall be a stockholder therein, and entitled to all the privileges and immunities thereof.

Sec. 4. The officers of said society shall consist of a president, a secretary and treasurer, and at least five directors, and they shall be elected annually by the stockholders of said society; and said officers shall constitute a board for the management of the concerns of said society, a majority whereof shall be a quorum; and it shall be the duty of said officers so to manage the property and concerns of said society, as will best promote the interests of agriculture, horticulture and mechanic arts; and they may hold fairs and exhibitions, and may distribute premiums for the best and most meritorious animals or articles exhibited in these several departments, as shall be by their by-laws and regulations provided. Officers.  
May hold fairs, &c.

Sec. 5. There shall be but one county society in any one county of this State, nor shall there be more than one town society in any one town, village or city, but two, three or four towns may join and organize a town society for such towns. Number of societies limited.

Sec. 6. The said society may, in case the uses and convenience thereof so require, upon application to the circuit court of the county where such society is organized and located, obtain and have authority to sell, from time to time, the whole or any part of its real estate, the granting of such authority to be in the discretion of the court, and such application to be made only when authorized by said society, at an annual meeting thereof, by a vote of not less than two-thirds of the members of such society, present at such meeting, and notice of the intention to vote for such application having been published in some newspaper published in said county, if there be one published, and if not, then in some newspaper published in an adjoining county, once a week for three months next preceding such annual meeting. When and how to sell real estate.

Sec. 7. The stockholders of all corporations organized under this act, shall be individually liable for all labor performed for such corporation or association. Individual liability of stockholders.

Sec. 8. The president, secretary and treasurer of said society shall, on or before the twentieth day of December in each year, make out and transmit to the Secretary of the State Agricultural Society, at his office, a statement of the transactions of said society for the preceding year, and To make report to sec. of State ag'l society.

giving a full detail of the receipts and expenditures thereof, with a list of the premiums awarded, and to whom and for what purpose.

Subject to  
provisions  
of chap. 55  
R. S. 1846.

Sec. 9. This act shall be subject to the provisions of chapter fifty-five, title ten of the revised statutes of eighteen hundred and forty-six, so far as applicable to associations formed under this act.

Sec. 10. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 81. ]

AN ACT to provide for the election of County Auditors in the county of Wayne.

Section 27,  
chap. 14, R.  
S. 1846  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-seven of chapter fourteen, of title three of the revised statutes of eighteen hundred and forty-six, be and the same is hereby repealed, and the following is substituted in lieu thereof:

Board of  
county audi-  
tors.  
Annual  
election.

"Sec. 27. There shall continue to be a board of county auditors for the county of Wayne, composed of three persons, one of whom shall be elected annually, at the general election in said county, if such election be held, and if there be no such election held; then said auditor shall be elected by the board of supervisors of said county, as follows:

Election by  
board of su-  
pervisors.

Said election shall be by ballot, and shall be held at the hour of ten o'clock A. M. on the second day of the annual meeting of the board of supervisors in said county. Before proceeding to ballot, the board shall

Canvass, &c.

choose a teller, whose duty shall be to receive the votes, and with the chairman and clerk shall be a board to canvass the same; and the person receiving the majority of said votes cast shall be deemed duly elected, and a certificate of said election, signed by the chairman and clerk of said board of supervisors, shall be forwarded by the clerk to the person so elected, within ten days after such election, and a duplicate of said certificate of said election, showing the number of votes given, and the persons for whom they were given, shall be deposited in the office of the clerk of said county of Wayne, within one week after said election. And each person so elected, whether at general election or by the board of supervisors, shall hold his office for the term of three

Term of  
office.

years, and until his successor shall be elected and qualified; but no two of such auditors shall be residents of the same township or city.

Sec. 2. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 82. ]

AN ACT to provide for the Incorporation of Railroad Companies.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Incorporation.</sup> any number of persons, not less than twenty-five, being subscribers to the stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, operating, and maintaining such railroad, by complying with the following requirements: When stock to the amount of one thousand dollars for every mile of said road so intended to be built, shall be in good faith subscribed, and five per cent paid thereon, as herein required, then such subscribers may select directors for said company; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the corporation, the number of years the same is to be continued, the amount of the capital stock of the company, which shall not be less than eight thousand dollars per mile, of road constructed or proposed to be constructed of the "T" or continuous rail; and not less than four thousand dollars per mile, of road constructed or proposed to be constructed with the flat bar rail: *Provided*, That no car shall be run at a higher rate of speed than fifteen miles per hour upon any road so constructed with the flat bar rail; the number of shares of which the stock shall consist, the number of directors, and their names, who shall not exceed in number one half the stockholders, the place from and to which the proposed road is to be constructed, and each county into or through which it is intended to pass, and its length as near as may be, and the names of five commissioners to open books of subscription to the stock. Each subscriber to such articles of association shall subscribe thereto his name, place of residence, and the number of shares of stock taken by him in such company. The said articles of association may be filed in the office of the Secretary of State: *Provided*, That such articles of association shall not be filed in the office of the Secretary of State, as afore-

<sup>Articles of association, what to contain.</sup>

<sup>Amount of capital stock necessary.</sup>

<sup>Rate of speed on flat bar rail.</sup>

<sup>To subscribe name, residence, and number of shares.</sup>

<sup>Articles to be filed with Secretary of</sup>

State when five per cent is paid in. said, until five per cent. of the amount of the stock subscribed thereto shall have been actually paid in cash to the directors named in such articles, nor until there is annexed thereto an affidavit made by at least three of the directors named in said articles, that the amount of stock required by this section, to-wit: \$1,000 per mile, has been subscribed, and that five per cent. on the amount has actually been paid in. And

To have corporate powers. thereupon the persons who have subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding and conveying, any real and personal property whatever, necessary for the construction of such road, and for the erection of all necessary buildings, yards, and appurtenances, for the use of the same.

Certified copy of articles and annexed affidavit to be evidence of incorporation. Articles to be recorded by Secretary of State. Sec. 2. A copy of any articles of association, filed in pursuance of this act, with a copy of the affidavit annexed thereto, and certified by the Secretary of State to be a copy, shall, in all courts and places, be presumptive evidence of the incorporation of such company, and of all the facts therein stated. And all articles of association filed in pursuance of this act, together with all subsequent alterations and amendments thereof, and also the affidavit annexed thereto, shall be forthwith recorded in the office of the Secretary of State in a book to be provided by him for that purpose; said record to be made at the expense of the company filing the same.

Books of subscription to be opened. Sec. 3. The commissioners for opening books of subscription named in the articles of association, shall, from time to time, after the company shall have been incorporated, open books of subscription to the capital stock of the company, in such places and after giving such notice as a majority of them shall direct, which books shall be kept open until all the capital stock shall be subscribed; and in case a greater amount of stock shall be subscribed than the whole of the capital of said company, the commissioners shall distribute the same as equally as possible among such subscribers; but no share thereof shall be divided in making said distribution, nor shall a greater number of shares be allotted to any subscriber than shall have been subscribed for by him.

When more stock shall be subscribed than the whole capital, how to proceed. Sec. 4. As soon as practicable after the capital stock shall have been

subscribed and distributed as aforesaid, the commissioners shall appoint a time and place for the meeting of the stockholders to choose directors; which place of meeting shall be in one of the counties through which such railroad is proposed to be constructed; and notice thereof shall be given by said commissioners for at least twenty days previous to such meeting; by publication in one of the daily papers published in the city of Detroit, and some newspaper published in each county through which said road is intended to run, in which a newspaper shall be published. Not less than seven nor more than thirteen directors shall be chosen, and the same shall be so chosen by ballot, and by a majority of the votes of the stockholders being present, in person or by proxy; and every such stockholder, being so present at such election, or at any subsequent election, shall be entitled to give one vote for every share of stock owned by him for ten days next preceding such election, and not otherwise. No person shall be a director unless he shall be a stockholder, owning stock absolutely and in his own name and right, and qualified to vote for director at the election at which he shall be chosen; and such directors shall hold their office for one year, and until others are elected in their places.

Meeting to choose directors; where held; notice to be given.

Number of directors, and how chosen.

No person to be a director unless a stockholder.

Term of office.

Sec. 5. The commissioners named in the last preceding section, shall be inspectors of the first election of directors; shall openly count the votes and declare the result, and shall, within ten days thereafter, file a certificate thereof, subscribed by them, or a majority of them, in the office of the Secretary of State, and shall also deliver to the treasurer of said company all moneys received by such commissioners on subscription to such capital stock, and all books and papers in their possession relative to such subscription. All subsequent elections shall be held at such time and place, in one of the counties through which such railroad shall pass, as shall be directed by the by-laws of the company.

First election of directors.

Certificate of, when filed.

Subsequent elections.

Sec. 6. A general meeting of the stockholders shall be holden annually at the time and place appointed for the election of directors, and a meeting may be called at any time by the directors or by the stockholders, owning not less than one-fourth of the stock, by giving public notice of the time and place of such meeting, in the same manner as is provided in section four of this act: *Provided*, That such notice, when given by the stockholders, shall state the object of the meeting;

Annual meeting of stockholders.

Notice of special meeting, what to contain.

Proceedings  
when ma-  
jority do  
not attend.

and if at any such meeting called by the stockholders, a majority in value of the stock is not represented in person or by proxy, the same shall be adjourned from day to day, not exceeding three days, without doing any business, when, if such majority do not attend, the meeting shall be dissolved.

Duty of di-  
rectors rela-  
tive to re-  
ports.

Sec. 7. At a regular annual meeting of the stockholders of any corporation under this act, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and full statement of the affairs of said company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the directors, whose duty it shall be to furnish such statement when thus required; and at all general meetings of the stockholders, a majority in value of such stockholders may fix the rate of interest which shall be paid by the company for loans for the construction of said railroad and its appendages, and may remove any president or any directors of said company, and elect others in their stead: *Provided*, Such notice shall have been given of such intended removal as shall be provided by the by-laws.

Rate of in-  
terest on  
loans, how  
fixed.

Officers may  
be removed.

President  
and other  
officers, to  
be chosen.

Sec. 8. There shall be a president of the company, who shall be chosen by and from the directors, and also such subordinate officers as the company by its by-laws shall direct, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company by its by-laws may require.

Security re-  
quired.

Directors  
may require  
payment of  
stock.

How pay-  
ment en-  
forced.

Sec. 9. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner and in such instalments as they may deem proper. If any stockholder shall neglect to pay any instalment as required by a resolution of the board of directors, the said board shall be authorized to sue for the same, or declare his stock and all previous payments thereon forfeited for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the post office, properly directed to him at the post office nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the company;

Notice of  
sale of stock  
forfeited.



which notice shall be served as aforesaid, at least sixty days previous to the day on which such payment is required to be made.

Sec. 10. The directors shall have power to make by-laws for the management and disposition of the stock, property, and business affairs of such company, not inconsistent with the laws of this State, and prescribing the duties of officers, artificers and servants that may be employed, and for the appointment of all officers for carrying on the business within the objects and purposes of such company. Directors may make by-laws.

Sec. 11. The stock of such company shall be deemed personal estate, and shall be transferrable in the manner and under such restrictions and conditions as may be provided by the by-laws, but no shares shall be transferrable until all previous calls thereon shall have been fully paid in, or said shares shall have been forfeited. Stock to be personal estate and transferable.

Sec. 12. All the stockholders of any such company shall be severally individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company, until the whole amount of stock held by him shall have been paid in, and a certificate thereof have been made and recorded, as prescribed in the following section; but all the stockholders of any such company shall be individually liable for all labor performed for such company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against the corporation; and the amount due on such execution shall be the amount recoverable, with costs, against any such stockholder; and every such stockholder against whom any such recovery for such labor shall have been had, shall have a right to recover the same of the other stockholders in said corporation, in rateable proportion to the amount of the stock they shall respectively hold with himself. Individual liability of stockholders, for debts.  
Liab. for labor.  
Execution against company to be first returned unsatisfied.  
Contributor may be enforced.

Sec. 13. The president and a majority of the directors, within thirty days after the payment of the last instalment upon any shares of the capital stock, shall make a certificate stating the amount of stock so paid in full, and by whom it is held and paid, and the number of such share or shares so paid in; which certificate shall be signed by the president and a majority of the directors, and sworn to by the president and secretary; and they shall, within the said thirty days, file and record the same in the office of the Secretary of State. Certificate of stock, how made and attested.

Sec. 14. If the directors of any corporation, organized under this act,

Penalty for declaring dividend when company insolvent, &c.

shall declare and pay any dividend when the company is insolvent, or the payment of which would render it insolvent, they shall be severally liable to a penalty of five hundred dollars.

Penalty for false representations in reports.

Sec. 15. If any certificate or report made, or public notice given, by the officers of any such company, in pursuance of the provisions of this act, shall be wilfully false in any material representations, all the officers who shall have signed the same, knowing it to be false, shall be severally liable to a penalty of five hundred dollars each.

Map of route to be made and filed.

Sec. 16. Every such company proceeding to construct a part of their road into or through any county named in their certificate of association, shall make a map of the route intended to be adopted by such company, which shall be certified by a majority of the directors, and filed in the office of the register of deeds of such county, for inspection and examination of all persons interested therein.

Powers and liabilities.

Sec. 17. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions following, that is to say:

To make surveys, &c.

1. To cause such examination and surveys for the proposed railroads to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes, by their officers, agents, and servants, to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto;

To take donations, &c.

2. To receive, hold and take, such voluntary grants and donations of real estate and other property, as shall be made to it, to aid in the construction, maintenance, and accommodation of such road; but the real estate thus received by voluntary grant, shall be held and used for the purposes of such grant only;

To purchase and take property necessary for construction of road.

3. To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers, surveyors and agents, enter upon and take possession of, hold and use, all such lands and real estate and other property, as may be necessary for the construction and maintenance of its railroad and stations, depots, and other accommodations, but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, be paid to, the owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given therefor;

Owners to be compensated.

4. To lay out its road not exceeding six rods wide, and to construct <sup>Width of road, &c.</sup> the same; and for the purpose of cutting embankments, and procuring stone and gravel, may take as much more lands within the limits of its charter, in the manner hereinafter provided, as may be necessary for the proper construction and security of the road;

5. To construct their road across any stream of water, water-course, <sup>To cross roads, &c.</sup> private road, highway, plank road, railroad or canal, which the route of its road shall intersect, but the corporation shall restore the stream, or water-course, private road, highway, plank road, railroad or canal, to its former state, as near as may be;

6. To cross, intersect, join and unite its railroad with any other rail- <sup>Intersect'n with other roads.</sup> road now or hereafter constructed, whether the same be so constructed under this act, or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings and switches, and other conveniences, in furtherance of the object of its connections; and to make all such running and business arrangements as said companies may agree upon; and every company whose railroad shall be intersected by any new railroad, shall unite with the owners of such new railroad, in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of <sup>When corporations cannot agree commissioners to be appointed.</sup> compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined by commissioners, to be appointed by the court, as is provided hereinafter for the taking of lands and other property, and to purchase or to take lands, franchises or other property, as hereinafter provided, which shall be necessary for the construction of its road, and may change the <sup>May change line of road.</sup> line of its road whenever a majority of its directors shall so determine; but no such change shall vary the original route of such road to exceed five miles laterally, without the consent of the stockholders;

7. To take, transport, carry and convey persons and property on their <sup>To transport persons and property.</sup> said road, by the force and power of steam, of animals, or any mechanical powers, or by any combination of them, and receive tolls and compensation therefor;

8. To erect and maintain all necessary and convenient buildings, sta- <sup>To erect depots and fixtures.</sup> tions, depots and fixtures, and machinery, for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor;

Transportation; compensation therefor.

9. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for any passenger and his ordinary baggage, shall not exceed three cents a mile, unless by special act of the Legislature, and shall be subject to alteration as hereinafter provided.

How to acquire rights when unable to agree for purchase.

Sec. 18. In case any railroad company is unable to agree for the purchase of any real estate, property, or franchise required for the purpose of its incorporation, and when it shall have failed to secure the same by legal proceeding, it shall have the right to acquire the title to the same in the manner and by the special proceeding prescribed in this act, but there shall be no power except for crossing, to take the track or rights of way of any other railroad company without the consent of said company.

Petition to circuit court.

Contents thereof, how attested, &c.

Sec. 19. For the purpose of acquiring such title, such company may present a petition to the circuit court for such county, at any session thereof, praying for the appointment of three commissioners; said petition shall be in the name of the company, and shall be signed by one of the directors or the engineer or attorney of said company on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain a description of the real estate, property, or franchise which the company seeks to acquire, and state that such company is duly incorporated, and that it is the intention of the company in good faith to construct and finish a railroad from and to the places named for that purpose in its articles of association; that the capital stock of the company has been in good faith subscribed as required by this act; that the company have surveyed the route of its proposed road in said county, and made a map and survey thereof, by which such route is designated, and that they have located their said road according to such survey, and filed a certificate thereof, signed by a majority of the directors of said company, in the clerk's office of such county; that the property described in the petition is required for the purpose of constructing, operating, or repairing the proposed road or its appurtenances, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can with reasonable diligence be ascertained; who own, or have or claim to own or have

estates or interests in said property, and if any such persons are infants, their ages, as near as may be, must be stated; and if any of them are idiots or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances or otherwise, as the company may see fit; to make a copy of such petition, with a notice of the time and place the same will be presented to such court, must be served on all persons whose interests are affected by the proceedings, at least ten days prior to the presentation of the same to the court, as follows:

1. If the person on whom such service is to be made, resides in this State, and is not an infant, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him or his agent or attorney authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person, with some person of suitable age; and if he resides out of this State, but has such agent as aforesaid residing in this State, then service may be made on such agent in the manner aforesaid, or upon him personally out of this State, or it may be made by publishing a notice, stating briefly the object of the application, and giving a description of the land or property to be taken, in some daily paper published in the city of Detroit, and in a paper printed in the county in which such lands or property are situate, if there be one, once in each week for six weeks next previous to the presentation of the petition; and if the residence of such person residing out of this State be known, a copy of such petition shall be deposited in the post office at least thirty days previous to presenting such petition, directed to such person at his place of residence as near as may be, and the postage in the United States paid thereon.

2. If any person on whom such service is to be made is a minor, or an idiot, or person of unsound mind, and resides in this State, such service shall be made as aforesaid on his guardian or committee, as the case may be, or if none, then on the person who has the care of, or with whom such infant, idiot, or person of unsound mind resides; but if such infant be over the age of fourteen years, then such service shall be upon him personally;

3. If the person on whom such service is to be made, be unknown, or his residence is unknown, then such service may be made by publi-

cation for six weeks in the same manner provided in the first subdivision of this section;

When court to appoint special guardian, &c.

4. In case any party to be affected by the proceedings is an infant, idiot, or of unsound mind, and has no guardian or committee, the court shall appoint a special guardian or committee to attend to the interests of such infant, idiot, or person of unsound mind; and all notices required to be served in the progress of the proceedings, may be served on such special guardian or committee;

Court to direct how to serve notice in certain cases.

5. In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this act, may be made as such court shall direct.

Parties may show cause against petition, &c.

Sec. 20. On presenting such petition to the circuit court, as aforesaid, with proof of service of a copy thereof, and notice as aforesaid, all persons whose estate or interest is to be affected by the proceedings, may show cause against the prayer of the petition, and may disprove any of the facts alleged therein. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested and competent freeholders, not residing or owning real estate in any township through which such road is to run, as commissioners to ascertain and determine the necessity for taking such lands, franchise, or other property, and to appraise and determine the damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the company, and such court shall fix the time and place for the first meeting of such commissioners: *Provided*, That any person or company whose estate or interest is to be affected by the proceedings, may demand and have from such court a jury of twelve freeholders, residing in the vicinity of such property, to ascertain and determine the necessity for taking such lands, franchise, or other property, and to appraise and determine the damages or compensation to be allowed therefor; and thereupon the said court shall make an order for the drawing of such jury from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and shall issue a venire in the usual form, inserting therein the twelve names so drawn, and requiring such jury to meet at the time and place appointed therefor by the court, which said venire may be served by the

Commissioners to be appointed to determine damages, &c.

Owners may demand jury of twelve.

How jury to be drawn and summoned.

sheriff or other proper officer of the county, as in other like cases, and if no such jury be demanded, the same shall be deemed to have been waived.

Sec. 21. The commissioners shall take and subscribe the oath prescribed by the eighteenth article of the constitution. Any of them may issue subpoenas, administer oaths to witnesses, and a majority of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the court or by previous adjournment, they shall cause reasonable notice of such meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such parties; they shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in each case, and without any unreasonable delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed, and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the company, on account of any damage, or on account of the construction, repairing or operating of said railroad or its appurtenances, to the party or parties owning or interested in the real estate or property appraised by them; they or a majority of them shall also determine and certify what sum ought to be paid to the general or special guardian or committee of an infant, idiot, or person of unsound mind, or to the clerk of the court, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for costs or expenses and counsel fees. They shall make a report to the court by which they are appointed, signed by them, or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any. Said commissioners shall be entitled to three dollars for each day they are engaged in the performance of their duties, to be paid by the company; and in case a jury shall have been demanded and ordered by the court, pursuant to section twenty of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and as well the damages or compensation

Oath of commissioners, their power, &c.

When to notify parties.

To view the premises, take testimony, &c.

Decision.

Determine amount to be paid for expenses in certain cases.

To make report to court.

Compensation of commissioners.

Jury to proceed as usual.

Oath of jurors.

Compensation of jurors.

Court on motion to confirm report.

To make order.

To direct to whom money shall be paid, or where deposited.

Copy of order to be recorded.

When property to vest in corporation.

Deemed to be for public use.

to be paid by the company therefor, in the same manner and with the like effect as is provided in this section in the case of commissioners, but they shall all be present and act together during the proceedings, and shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed, and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by the company for the same; and they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be also paid by the company.

Sec. 22. On such report being made by the commissioners or jury, the court, on motion of the company, shall confirm the same at the next term, or if said report is made and filed during term time, then the same shall be confirmed during said term, unless for good cause shown by either party; and when said report is confirmed, said court shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate or property appraised, for which compensation is to be made, and shall also direct to whom the money is to be paid, [or] where it shall be deposited by the company; said court, as to the confirmation of such report, shall have all the powers usual in other cases.

Sec. 23. A certified copy of the order so to be made shall be recorded at full length in the office of the register of deeds for said county, in the book of deeds; and thereupon, on the payment or deposit by the said company, of the sum to be paid as compensation for such land, franchise or other property, and for costs, expenses and counsel fees as aforesaid, and as directed by said order, the company shall be entitled to enter upon and take possession of, and use the said land, franchise and other property for the purposes of its incorporation; and all persons who have been made parties to the proceedings, either by publication or otherwise, shall be divested and barred of all right, estate and interest in such real estate, franchise or other property, until such right or title shall be again legally vested in such owner; and all real estate or property whatsoever, acquired by any company under and in pursuance of this act, for the purpose of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of



the report of the commissioners or jury, as above provided for, either party may appeal by notice in writing to the other, to the supreme court, from the appraisal or report of the commissioners or jury; such appeal shall be heard by the supreme court at any general or special term thereof, on such notice thereto being given according to the rules and practice of the court; on the hearing of such appeal, the court may direct a new appraisal before the same, or new commissioners or jury, in its discretion. The second report shall be final and conclusive upon all parties interested. If the amount of the compensation to be allowed by the company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited as the court shall direct; and in such case all costs of the appeal shall be paid by the company; but if the amount is diminished, the difference shall be refunded to the company by the party to whom the same may have been paid, and judgments therefor and for all costs of the appeal shall be rendered against the party so appealing; on the filing of the report, such appeal, when made by any claimant, of damages, shall not affect the said report as to the right and interests of any party, except the party appealing, nor shall it affect any part of said report in any case, except the part appealed from, nor shall it affect the possession by such company of the land appraised; and when the same is made by others than the company, it shall not be heard except on a stipulation of the party appealing not to disturb such possession.

When parties may appeal to Supreme Court.

Costs of appeal in case damages are increased.

Where damages are diminished.

Appeal not to affect any parties except the parties to the appeal.

Sec. 24. If there are adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate or property taken, the court may direct the money to be paid into the said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Conflicting claims, how determined.

Sec. 25. The court shall appoint a competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and has not appeared in the proceedings by an attorney or agent; the court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be

Court to appoint attorney in certain cases.

added, and to direct such further notices to be given to any party in interest as it deems proper; also to appoint other commissioners in the place of any who shall die or refuse or neglect or are unable to serve, or who may leave or be absent from the State.

**Commissioners.** **Sec. 26.** At any time after an attempt to acquire title by any railroad company by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made; and at any stage of such new proceedings the court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against any company, or any officer or workmen of such company on account thereof, on such company paying into court a sufficient sum, or giving security as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate or other property may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

**Corporation may borrow money, issue bonds, mortgage property, &c.** **Sec. 27.** All companies organized under this act, (and all other railroad companies,) shall have power from time to time to borrow such sums of money as they may deem necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed for such sums and at such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purposes aforesaid; and the directors of the company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon, into stock of said company at any time, not exceeding twenty years from the date of said bond, under such regulations as the company may see fit to adopt; and such company may sell their bonds either within or without this State, at such rates and prices as they may deem proper; and in case the capital stock of any such railroad company is found to be insufficient for constructing or operating its road, or for building a double track, repairs or other improvement to facilitate the transportation of

**Bonds convertible.**

**When capital stock may be increased.**

persons and property, such company may, with the concurrence of a majority of its stockholders, by vote at any annual meeting, or special meeting called for that purpose, increase its capital stock to the requisite amount.

Sec. 28. Whenever the track of any railroad crosses or shall cross a road or highway, such road or highway may be carried under or over the track, as may be found most expedient; and in case where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway, or such new line, as may be deemed requisite by said directors, unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid; the necessity thereof and the compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in such lands; the same, when so taken or compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of the same highway may be held for highway purposes.

Highway may be carried over or under track.  
When line of highway may be changed.

Sec. 29. If at any time after the location and use of the track of any railroad company organized under the provisions of this act, it shall appear to the directors of said company that the line in some parts thereof may be improved, it shall be lawful for said directors from time to time to alter the lines, and cause a new map to be filed in the office where the map showing the first creation of such company is or shall be filed, and in the register's office of any county through which, by means of such change, said road shall pass, or into which it shall run; and when a new line is adopted, to take possession of the lands embraced in such new location that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding sections of this act, and use the same in place of the line for which the new is substituted. Nothing in this act contained shall authorize the said company to make a location of their track within any city without the consent of the common council of said city, nor in any incorporated village without the consent of the corporate authorities thereof.

When and how line of railroad may be changed.  
Railroad not to be located in any city without consent of corporate authorities.

Lands owned by State, counties or townships, how acquired.

Sec. 30. If any such corporation shall, for its purpose aforesaid, require any land belonging to the people of this State, or to any of the counties or towns, the Commissioner of the Land Office and the county and town officers respectively having charge of said lands, may grant such lands to such corporation for a compensation which shall be agreed upon between them; or in case they cannot so agree, then such lands shall be appraised as in other cases; all notices in cases where the State is owner, to be served upon the Commissioner of the Land Office; when the county is the owner, upon the prosecuting attorney of such county, and when the township is the owner, upon the supervisor of such township.

Conductors, &c., to wear badges.

Sec. 31. Every conductor, baggage-master, engineer, brakeman, or other servant of such railroad corporation, organized under the provisions of this act, or otherwise created, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector, without such badge, shall demand or be entitled to receive from any passenger, any fare, toll or ticket, or to exercise any of the powers of his office; and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage or property. No person shall be employed as an engineer, fire-

Shall have no authority without such badge.

Use of intoxicating drinks prohibited.

man, baggage-master, conductor, or other servant, upon any railroad, who uses intoxicating drinks as a beverage; and any company in whose service any such person shall be employed, shall be liable to a penalty of twenty-five dollars for every such offence, to be sued for in the name of the people of this State: *Provided*, That no such company shall be liable to said penalty, unless it shall appear that the superintendent, or other officers having charge or supervision over such employee, or whose duty it is to report the misconduct of such employee so using intoxicating liquor, had knowledge of the fact that such employee used, or had used, while in the employ of such railroad company, such liquor.

Liability of company.

Provide.

Annual report to be made to Auditor Gen'l.

Sec. 32. Every railroad corporation in this State shall make an annual report to the Auditor General, which report shall be verified by the oath of the treasurer, or president and acting superintendent, of the operations of the year ending on the first day of January in each year, and shall state:

Contents of  
report

1. The capital stock, and the amount actually paid in;
2. The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines and cars respectively;
3. The amount and nature of its indebtedness, and the amounts due the corporation;
4. The amount received for the transportation of passengers, of property, of mails, and from other sources;
5. The amount of freight—specifying the quantity in tons—of the products of the forest, of animals, of vegetable food, and other agricultural products, manufactures, merchandise, and other articles;
6. The amount paid for repairs, engines, cars, buildings and salaries;
7. The number and amount of dividends, and when paid;
8. The number of engine houses and shops, of engines and cars, and their character;
9. The number of miles run by passenger, freight, and other trains respectively;
10. The number of men employed, and their occupation;
11. The number of persons injured in life or limb, and the cause of such injury;
12. Whether any accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation.

Sec. 33. Any such corporation, which shall neglect to make such report, or which shall wilfully make a false report, shall be liable to a penalty of two hundred and fifty dollars, to be sued for in the name of the people of this State. It shall be the duty of the Auditor General to arrange the information contained in such reports in a tabular form, and prepare the same, together with the said reports, in a single document, for printing, for the use of the legislature, on the first day of its regular session.

Penalty for  
making  
false report.

Duty of Au-  
ditor Gen'l.

Sec. 34. This State shall have a lien upon all railroads therein, and their appurtenances and stock therein, for all penalties, taxes and dues which may accrue to the State from the corporations owning the same, which lien of the State shall take precedence of all demands, judgments or decrees against said corporations; and each citizen of this State shall have a lien upon all the personal property of said corporations, for all

Lien of the  
State upon  
railroads,  
&c.

Lien of citi-  
zens.

penalties dues and demands against any such corporation, to the amount of one hundred dollars, originally contracted within this State, which, after said lien of the State, shall take precedence of all other debts, demands, judgments or decrees, liens or mortgages, against said corporation.

Legislature  
may reduce  
rates of fare,  
&c., in cer-  
tain cases.

Sec. 35. The Legislature may, when any railroad organized under this act is opened for use, from time to time alter or reduce the rates of toll, fare, freight, or other profits upon such road; but the same shall not, without the consent of the corporation, be so reduced as to produce less than fifteen per cent. per annum on the capital actually paid in; nor, unless on an examination of the amounts received and expended, to be made by the Auditor General, he shall ascertain that the net income divided by the company from all sources for the year then last past shall have exceeded an annual income of fifteen per cent. upon the capital of the corporation actually paid in.

Corporation  
required to  
carry mails,  
&c.

Sec. 36. Any corporation organized under this law shall, when applied to by the Postmaster General, convey the mails of the United States on their road or roads respectively; and in case such corporation shall not agree to the rates of transportation thereof, and as to time, rate of speed, manner and condition of carrying the same, it shall be lawful for the Governor of this State to appoint three commissioners, who, or a majority of them, after fifteen days notice in writing of the time and place of meeting, to the corporation, shall determine and fix the prices, times and conditions aforesaid; but such prices shall not be less for conveying said mails in the regular passenger trains, than the amount which said corporation would receive as freight on a like weight of merchandize, transported on their merchandize train, and a fair compensation for the postoffice car. And in case the Postmaster General shall require the mail to be carried at other hours and at a higher speed than the passenger trains be run at, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services to be fixed as aforesaid.

When com-  
missioners  
to be ap-  
pointed to  
fix compen-  
sation.

Passengers  
refusing to  
pay may be  
put out.

Sec. 37. If any passenger shall refuse to pay his fare or toll, it shall be lawful for the conductor of the train and servants of the corporation to put him out of the cars at any usual stopping place or dwelling house the conductor shall select.

Sec. 38. Every corporation in the last section mentioned shall start Cars, &c., to be run at regular times, to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer or be offered for transportation at the place of starting, and the junctions of other railroads, and at siding and stopping places established for discharging and receiving way passengers and freight, and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of toll, freight or fare, legally authorized therefor; and every such corporation shall transport merchandise, property and persons from the various stations upon said road, without partiality or favor, when not otherwise directed by the owner of said property, and with all practicable dispatch, and in the order in which said freight and property shall have been received, under a penalty for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against such corporation.

Corporation to furnish accommodations.

Penalty.

Sec. 39. In case of the refusal by such corporation or agents, so to take and transport any such passengers or property as aforesaid, or to deliver the same or either of them, at the regular or appointed time, without a legal or just excuse for such default, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby with costs of suit or the penalty prescribed in section 38 of this act, at the election of the party aggrieved.

Liable for damages to party aggrieved.

Sec. 40. A bell of at least thirty pounds weight, and a steam whistle, shall be placed on each locomotive engine, and said bell shall be rung or whistle sounded at the distance of not less than eighty rods of the place where the said road shall cross any other road or street, under a penalty of fifty dollars for every neglect, to be paid by the corporation owning such railroad, and the railroad corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect.

Bell and whistle.

Penalty for neglect.

Sec. 41. Every railroad corporation shall, and they are hereby authorized to cause boards to be placed, well supported by posts or otherwise, and maintained across each public road or street, where the same is crossed by the railroad and on the same level; the boards shall be

Caution boards to be erected at road crossings.

elevated so as not to obstruct the travel, and to be easily seen by travelers, and on each side of said board shall be printed in capital letters, of the size of not less than nine inches each, the words, "railroad crossing; look out for the cars!" But this section shall not apply to streets in cities or villages, unless the railroad corporation be required to put up such boards by the officers having charge of such streets.

Person having charge of engine, being intoxicated, liable for all damages.

Sec. 42. If any person shall be intoxicated, while in charge of a locomotive engine, running upon the railroad of any corporation in this State, or while acting as the conductor of any train of cars on any such railroad, he shall be liable for all damages incurred or produced by either his neglect or inefficiency, and shall be deemed guilty of a misdemeanor.

Corporation to maintain fences, &c.

Sec. 43. Every railroad corporation formed under this act shall erect and maintain fences on the sides of their road, of the height and strength of a division fence required by law, with suitable openings, and gates therein, and convenient farm crossings of the road, for the use of the proprietors of lands adjoining such railroad, and also to construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on to the railroad; until such fences and cattle guards shall be duly made, the corporation and its agents shall be liable for all damages which shall be done by their agents or engines to cattle, horses or other animals thereon, and all other damages which may result from the neglect of said corporation to erect and maintain fences and farm crossings as aforesaid; and after such fences and guards shall be duly made and maintained, the corporation shall not be liable for any such damages unless negligently or wilfully done; and if any person shall ride, lead or drive any horse or animal upon such road, and within such fences and guards, other than at farm crossings, without the consent of the corporation, he shall for every such offence forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby, to the party aggrieved.

Liability of company for damages until fences are erected.

Not liable after fences erected.

Passengers injured while violating regulations, not to recover damages.

Sec. 44. In case any passenger on any railroad shall be injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations of the company, posted up at the time, in a conspicuous place inside its passenger cars then in the train, such company shall not be liable for the injury: *Provided*, Said company at the time, furnished room and seats inside its passenger cars sufficient for the proper accommodation of its passengers.



Sec. 45. Every corporation formed under the provisions of this act, shall, on or before the first day of July, pay the State Treasurer, an annual tax of one per cent. on the capital stock of said company paid in, which tax shall be in lieu of all other taxes upon the property of said company, whether real, personal, or mixed, except penalties by this act imposed; the said tax shall be estimated upon the last annual report of said corporation, but nothing contained in this section shall apply to any existing corporations.

Tax to be paid to State Treasurer.

Sec. 46. All penalties incurred under the provisions of this act, when not otherwise provided for, may be sued for in the name of the people of the State of Michigan; and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a justice of the peace.

Penalties, how recovered.

Sec. 47. If any railroad corporation shall not, within three years after its incorporation, begin the construction of its road, and expend thereon ten per cent. on the amount of its capital, and finish the road and put it in full operation in seven years thereafter, its act of incorporation shall become void, so far as it applies to that portion of said road then unfinished.

When incorporation to become void.

Sec. 48. Any railroad company receiving freight for transportation, shall be entitled to the same rights, and subject to the same liabilities as common carriers, except as herein otherwise provided. Whenever two or more railroads are connected together by running arrangements, any company owning either of said roads receiving freight to be transported by agreement to any place on the line of either of the said roads so connected, shall be liable as common carriers for the delivery of such freight at such place. In case any such company shall become liable to pay any sum, by reason of the neglect or misconduct of any other company or companies, the company paying such sum may collect the same of the company or companies by reason of whose neglect or misconduct it became so liable. No railroad corporation created in this State shall be suffered to lessen or directly or indirectly abridge their common law liability as such common carriers.

To have the rights and liabilities of common carriers.

Not to abridge their law liability, &c.

Sec. 49. Any railroad company in this State may, by means of subscription to the capital of any other company, or otherwise, aid such company in the construction of its railroad, with the consent of such other company; or any railroad company, in order to facilitate the trans-

May take stock in other companies.

May make arrangements with other companies for running cars.

action of business, and prevent the expense to the public of delays, stoppages, and unnecessary transhipment of merchandise and passengers, may make any arrangements with other railroad companies within or without this State, for the running of its cars over the road of such other company, or for the working and operating of such other railroads as said companies shall mutually agree upon; such agreement, however, to be filed in the office of the Secretary of State, and be open to the inspection of the public; and any two or more railroad companies whose lines are connected, may enter into any arrangements for their common benefit, consistent with, and calculated to promote the objects for which they were created: *Provided*, That no such aid shall be furnished, nor arrangement perfected, until a meeting of stockholders of each of said companies shall have been called by the directors thereof, at such time and place and in such manner as they shall designate, and the holders of a majority in interest of the stock of such company represented at such meeting, in person or by proxy, and voting thereat, shall have assented thereto.

Meeting of stockholders to be first called, &c.

When companies may consolidate.

Sec. 50. Any railroad company in this State, forming a continuous or connected line with any other railroad company, may consolidate, with such other company either in or out of this State, into a single corporation: *Provided*, That no such companies having parallel lines, or lines diverging and converging, but being conterminous, shall be permitted to consolidate themselves into one corporation. The directors of said two or more corporations may enter into an agreement under the corporate seal of each, for the consolidation of the said two or more corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors thereof, which shall not be less than seven nor more than thirteen, the time and place of holding the first election of directors, the number of shares of capital stock in the new corporation, the amount of each share, the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations; and such new corporation shall possess all the powers, rights and franchises conferred upon such two or more corporations, and shall be subject to all the restrictions and perform all the duties imposed by the provisions of their respective

How consolidation to be effected.

charters or laws of organization, not inconsistent with the provisions of this act. Such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations, until after it has been submitted to the stockholders of each of said corporations separately, at a meeting thereof, to be called as aforesaid, and has been sanctioned by such stockholders, by the vote of a majority in interest of the stockholders present at such meeting, in person or by proxy, and voting, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each of the meetings of the stockholders separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations.

Agreement to be submitted to stockholders.

Sec. 51. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate or counterpart thereof in the office of the Secretary of State, the said two or more corporations mentioned or referred to in the said section, shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

When agreement is completed, filed, &c., the two corporations to be merged in one.

Sec. 52. Upon the election of the first board of directors of the corporation created by said agreement, all and singular the rights and franchises of each and all of said two or more corporations, parties to such agreement, all and singular their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to, and vested in such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with all the right of way and all other rights of property, in the same manner, and to the same intent as if the said two or more corporations, parties to such agreement, should have continued to retain the title and transact the business of such corporations; and the titles and the real estate acquired by either of said two or more corporations shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors, and all liens upon the property of either of said corporations, parties to said agreement, shall be, and hereby are, preserved unimpaired, and the respective corporations shall continue to exist, so far as may be necessary to enforce

Rights and interests of such new corporation.

Rights of creditors.

Debts, liabilities, &c.

the same: *And provided further*, That all the debts, liabilities and duties of either company shall thenceforth attach to such new corporation, and be enforced against the same, to the same extent and in the same manner, as if such debts, liabilities and duties had been originally incurred by it.

Companies may agree on construction of road on line common to both companies.

Sec. 53. Whenever two railroad companies shall, for a portion of their respective lines, embrace the same location of line, they may, by agreement, provide for the construction of so much of said line as is common to both of them, by one of the companies, and for the manner and terms upon which the business thereon shall be performed. Upon the making of such agreement, the company that is not to construct the part of the line which is common to both, may alter and amend its articles of association so as to terminate at the point of intersection, and may reduce its capital to a sum not less than ten thousand dollars for each mile of the road proposed to be constructed in such amended articles of association. Nothing in this act shall be construed to release any chartered company from building any line of road which by its charter it is obligated to build, or to transfer to any other company, by virtue of this section, or any agreement made in pursuance thereof, such obligation.

Not to release chartered company, &c.

When death caused by neglect of company to be liable for damages.

Sec. 54. Whenever the death of a person shall be caused by wrongful act, neglect or default of any railroad company or its agents, and the act, neglect or default is such as would (if death had not ensued) entitle the party injured to maintain an action and recover damages, in respect thereof, then, and in every such case, the railroad corporation which would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.

Action to be brought in name of personal representative.

Sec. 55. Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in any such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in any such action the jury may give such amount of

damages as they shall deem a fair and just compensation, not exceeding five thousand dollars, with reference to the pecuniary injuries resulting from such death to the wife and next of kin of such deceased person:

*Provided*, That any such action shall be commenced within two years of the death of such person; but nothing herein contained shall affect any suit or proceedings heretofore commenced and now pending in any of the courts of this State. Limitation of action.

Sec. 56. If any president, secretary or other officer of any railroad corporation within this State shall wilfully, and with intent to defraud said corporation or any other person, make, sign, issue, sell, or offer to sell any false or fraudulent stock or other evidence of debt of said corporation, he shall be deemed guilty of felony, and shall be punished by imprisonment in the State Prison at hard labor, not less than three years. Punishment for issuing fraudulent stock, &c.

Sec. 57. Any conductor, engineer, servant or other employee of any railroad corporation, who shall wilfully violate any of the written or printed rules thereof in relation to the running of cars or train for the transportation of persons or property, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the county jail not more than six months. Punishment of employees for violating rules.

Sec. 58. If any person shall, by the placing of any impediment upon the track of any railroad, or by any other means whatsoever, throw from said track any engine or cars used thereon, or attempt so to do, whether such engine or cars be thrown from said track or not, or shall by any other means whatsoever, wilfully endanger or attempt to endanger the lives of persons engaged in the work of said road, or persons traveling on the engine or cars of said road, he shall be subject to imprisonment in the State Prison during his natural life, or any number of years, at the discretion of the court. Punishment of persons obstructing track, &c.

Sec. 59. A check shall be fixed to every parcel of baggage when taken for transportation by the agent or servant of such corporation, if there is a handle, loop, or fixture so that the same can be attached upon the parcel of baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf; and if such check be refused on demand, the corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger; Check, to be affixed to baggage. Duplicate to be given to person owning baggage.

and if such passenger shall have paid his fare, the same shall be refunded by the conductor in charge of the train; and on producing said check, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him to prove the contents and value of such baggage.

Unclaimed freight, baggage, &c., how disposed of.

Notice to contain a description.

To make an entry of the balance; how disposed of.

Full stop before crossing other railroads.

Sec. 60. Every railroad company which shall have had unclaimed freight not perishable, or unclaimed baggage in its possession, for a period of one year at least, may proceed to sell the same at public auction, and out of the proceeds may retain the charges of transportation and storage of such freight, and the expenses of advertising and sale thereof; but no such sale shall be made until the expiration of six weeks from the first publication of notice of such sale in at least one newspaper published in the city of Detroit, and also in one newspaper published at or nearest the place where such freight or baggage was directed to be left, and also at the place where such sale is to take place; and said notice shall contain a description of such freight or baggage, the place at which and the time when the same was left, as near as may be, together with the name of the owner or person to whom consigned, if known; and the expenses incurred for advertising shall be a lien upon such freight in a rateable proportion, according to the value of each article, package or parcel, if more than one; in case such unclaimed freight shall be in its nature perishable, then the same may be sold as soon as may be, on giving the notice required in this section, after its receipt at the place where it was directed to be left. Such railroad company shall make an entry of the balance of the proceeds of the sale, if any, of each parcel of freight owned by or consigned to the same person, as near as can be ascertained, and at any time within five years thereafter shall refund any surplus so retained, to the owner of such freight or baggage, his or her heirs or assigns, on satisfactory proof of such ownership.

Sec. 61. Every passenger, freight, or other train of cars running upon any railroad, shall come to a full stop before crossing any other railroad built or constructed upon the same grade; and every engineer, conductor, or other person having charge or control of such train of cars, who shall offend against the provisions of this section, shall forfeit for each offence the sum of one hundred dollars, to be recovered by action of debt; and any railroad company who shall, by their rules and regulations for running trains of cars upon such railroad, require any passen-

ger, freight, or other train to cross any other railroad built or constructed upon the same grade, without coming to a full stop before such crossing, shall forfeit a like sum for every day such rule or regulation shall continue in force, to be recovered as aforesaid.

Sec. 62. In forming a passenger train upon any railroad organized under the provisions of this act, baggage, freight, merchandise or lumber cars, shall not be placed in rear of the passenger cars; and if they, or any of them, shall be so placed, the officer or agent who so directed or knowingly suffered such arrangement, shall be deemed guilty of a misdemeanor, and be punished accordingly. Prohibition in forming passenger trains.

Sec. 63. All acts the subjects of which are herein re-enacted, or which contravene or are inconsistent with the terms and intention of this act, are hereby repealed. Acts repealed.

Sec. 64. This act shall take effect immediately.

Approved February 12, 1855.

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[ No. 83. ]

AN ACT to organize the township of Goodland, in the county of Lapeer.

SECTION 1. *The People of the State of Michigan enact*, That township eight north, of range twelve east, in the county of Lapeer, be organized, and the same is hereby set off from township seven north, of range twelve east, and organized into a separate township by the name of Goodland, and the first township meeting shall be held at the new house of Calvin C. Lyman, in said township. Goodland township organized.

This act shall take effect immediately.

Approved February 12, 1855.

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[ No. 84. ]

AN ACT to amend section four of an act to authorize the county of Saginaw to loan its bonds to aid in the construction of a plank road, approved February 14, 1853.

SECTION 1. *The People of the State of Michigan enact*, That section four of "an act to authorize the county of Saginaw to loan its bonds to aid in the construction of a plank road," approved February fourteenth, eighteen hundred and fifty-three, be so amended as to read as follows: Sec. 4 of act No. 84, of 1853, amended.

Before the county shall issue any bonds, the majority of stockholders to give bonds to the county.

Form of bond.

Penalty of bond.

Condition of bond.

"Sec. 4. Before any such bond shall be issued, in addition to the requirements of the foregoing section, it shall be necessary for the stockholders holding at least a majority of all the capital stock of said company, to make, execute and deliver to the board of supervisors of said county, to be filed and kept in the office of the treasurer thereof, a bond in the following form: 'Know all men by these presents, that we, the undersigned, stockholders in the Saginaw and Bad River Plank Road Company, are held and firmly bound unto the county of Saginaw, in the penal sum of thirty thousand dollars, to the payment of which to said county, we jointly bind ourselves, our heirs, executors and administrators, firmly by these presents; sealed with our seals, and dated, &c. The condition of this obligation is such, that if the Saginaw and Bad River Plank Road Company shall construct and complete a plank road on the entire route, the survey of which has been acknowledged and recorded in the office of the register of deeds for said county, and in the construction thereof shall comply fully with all the provisions of the act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and the acts amendatory thereto, and shall, within six years, file with the county clerk of said county the affidavit of the president of said company that such road is completed in accordance with said law, and shall pay into the treasury of said county such proportion of the nett proceeds of said road as the amount of such bonds of said county shall be of the entire cost of said road, until the full amount of such bonds shall be paid, and shall, in the meantime, economically manage the said road and the finances of said company, then this obligation shall be void and of no effect, otherwise to be and remain in full force and virtue. Signed, sealed and delivered, in presence of -----' "

Sec. 2. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 85. ]

AN ACT to organize the township of Greenwood, in the county of St. Clair.

Greenwood township organized.

SECTION 1. *The People of the State of Michigan enact, That township eight north, of range fifteen east, in the county of St. Clair, be*



and the same is hereby set off from the town of Brockway, and organized into a separate township by the name of Greenwood, and the first township meeting shall be held at the dwelling house of Joseph Graham, in said township.

Sec. 2. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 86. ]

AN ACT to amend an act entitled "an act to incorporate the city of Adrian," approved January thirty-first, eighteen hundred and fifty-three, and an act entitled "an act to amend section thirty-two of an act entitled an act to incorporate the city of Adrian, approved January thirty-first, eighteen hundred and fifty-three," approved February tenth, eighteen hundred and fifty-three.

SECTION 1. *The People of the State of Michigan enact, That* Acts No. 30 & 50 of 1855 amended.  
an act entitled "an act to incorporate the city of Adrian," approved January thirty-first, eighteen hundred and fifty-three, and an act entitled "an act to amend section thirty-two of an act entitled an act to incorporate the city of Adrian, approved January thirty-first, eighteen hundred and fifty-three," approved February tenth, eighteen hundred and fifty-three, be amended as follows:

Amend section three, so that said section as amended, shall read as follows:

"Sec. 3. The said city shall be divided into four wards, as follows: City to be divided into four wards.  
All that part of said city embraced within the following described limits shall be the first ward, to wit: commencing at the south-east corner first ward boundaries.  
of the city, running thence westerly on the south line of the city, to the centre line of State street; thence northerly on the centre line of State street, and on the centre line of the continuation of State street, to the centre line of Church street; thence westerly on the centre line of Church street, to the centre line of Main street; thence northerly on the centre line of Main street, to the centre line of Maumee street; thence easterly on the centre line of Maumee street, to the east line of the city; thence southerly on the east line of the city, to the place of beginning. All that part of said city embraced within the following described limits shall be the second ward, to-wit: commencing at the

**Second ward boundaries.** north-east corner of the city, running thence southerly on the east line of the city, to the centre line of Maumee street; thence westerly on the centre line of Maumee street, to the centre line of Main street; thence northerly on the centre line of Main street, to the north line of the city; thence easterly on the north line of the city, to the place of be-

**Third ward boundaries.** ginning. All that part of the city embraced within the following described limits shall be the third ward, to-wit: commencing at the north-west corner of the city, thence running east on the north line of the city, to the centre line of Main street; thence southerly on the centre line of Main street, to the centre line of Maumee street; thence westerly on the centre line of Maumee street, to the west line of the city; thence north on the west line of the city, to the place of beginning.

**Fourth ward boundaries.** All that part of the city embraced within the following described limits shall be the fourth ward, to-wit: commencing at the south-west corner of said city, thence running northerly on the west line of the city, to the centre line of the westerly continuation of Maumee street; thence easterly on the centre line of Maumee street, to the centre line of Main street; thence southerly on the centre line of Main street, to the centre line of Church street; thence easterly on the centre line of Church street, to the centre line of the continuation of State street; thence southerly on the centre line of the continuation of State street, and on the centre line of State street, to the south line of the city; thence westerly on the south line of the city, to the place of beginning."

Sec. 2. That section four of said act be amended so as to read as follows:

**City government to consist of common council, &c.** "Sec. 4. The municipal government of the city shall consist of a common council, composed of a mayor and eight aldermen, of whom the mayor and four aldermen, or in the absence of the mayor, any five  
**Quorum.** aldermen, shall constitute a quorum. In the committee of the whole  
**Mayor to have casting vote.** the mayor may debate all questions, and when there is an equal division he shall give the casting vote, but in no other case shall he be entitled to vote on any question."

Sec. 3. That section five of said act be amended so as to read as follows:

**City officers.** "Sec. 5. The following officers shall be chosen in and for said city, to wit: one mayor, one recorder, the latter of whom shall be ex-officio school inspector, one treasurer, one marshal, who shall be ex-officio col-

lector of city taxes, one street commissioner, two school inspectors, and two directors of the poor, and four justices of the peace, who shall be elected in the following manner, to wit: the mayor, recorder, treasurer, marshal and street commissioner, shall be elected annually, and shall hold their offices respectively for one year, (unless sooner removed, as hereinafter provided,) and until their successors have been elected and qualified; there shall also be elected annually, one school inspector and one director of the poor, for the term of two years; there shall also be elected at the annual election in the year eighteen hundred and fifty-seven, one justice of the peace, who shall hold his office for the term of four years and until his successor shall be elected and qualified, and there shall be elected annually thereafter, one justice of the peace for the like term. In case any vacancy shall happen in the office of any justice of the peace elected under this section, the same shall be supplied by election at the next annual election. A justice elected to fill such vacancy shall hold his office for the residue of the unexpired term, and shall enter upon the duties of his office immediately, upon the filing of his oath of office and security with the county clerk, as required by law. The persons so elected justices of the peace for the full term of four years, shall enter upon the duties of their offices respectively, on the fourth day of July next succeeding their election. If at any election there shall be one or more vacancies to be supplied in the office of justice of the peace or of school inspector, and at the same election any such officer is to be elected for the full term, it shall be necessary to designate on the ballot the person or persons voted for to supply such vacancy or vacancies. In case more than one existing vacancy in the office of justice of the peace, school inspector, or director of the poor shall be supplied by election at any city election, the classes of persons elected to fill the same shall be determined by lot, within the time and in the manner provided for classifying justices elected in new townships, except that the duties of the supervisor and township clerk in such classifying, shall be performed by the recorder and the common council. Each justice of the peace, before entering upon the duties of his office, shall file with the county clerk of his county, security in writing, within the same time and in the same manner as is prescribed in case of justices elected in townships, except that the agreement or instrument in writing may be executed in presence of, and approved by the mayor, instead of the

How elected.

Term of office.

Justices to be elected for four years.

Vacancies in office of justice; how filled.

Justices, when to qualify and enter upon duties of office.

Designation on ballots in certain cases.

Classify by lot.

Justices of Peace to give security in writing, &c.

**Penalty for entering upon duties before qualifying, &c.** supervisor; and in case he enters upon the execution of his office before having filed his official oath or such agreement, he shall be liable to the same penalties as are provided in such case for justices elected in

**Common council may remove certain officers, and order election to fill vacancy.** townships. The common council may, at any time, remove from his office the marshal, deputy marshal, or street commissioner, for cause; in which case the said common council may order an election to fill the vacancy in office caused by such removal, for the unexpired term."

Sec. 4. That section six of said act be amended, so as to read as follows:

**Supervisors, aldermen, constables, and treasurers to be elected.**

"Sec. 6. There shall be elected at the same time in and for said city, two supervisors; that is to say, wards number one and four, one supervisor, and wards number two and three, one supervisor, who shall also be assessor; one treasurer, one constable, and one alderman for each of said wards; the said supervisors, treasurer and constables to hold their offices respectively for the term of one year, and until their successors are elected and qualified; the said aldermen to hold their offices for two years, and until their successors are elected and qualified: *Provided*, That at the annual election in the year eighteen hundred and fifty-five, there shall be elected in the first ward, two aldermen, one for the term of one year, and one for the term of two years; at such election in the year eighteen hundred and fifty-five, the mayor, recorder, and such person as shall be chosen viva voce by the electors present, shall be the inspectors of such election. The mayor, if present, shall act as chairman of such inspectors, and the recorder and person so chosen, shall act as clerks thereof; and in case of the absence of the mayor or recorder, the electors present may choose viva voce, from their number present, to fill such vacancy or vacancies, to whom shall be administered the constitutional oath, either by the said inspectors, or by a justice of the peace; all other proceedings relative to such election shall be conducted in the same manner as is provided for annual elections in the act hereby

**Inspectors of election for 1855.**

**Supervisors to represent their wards of the county board of supervisors. Treasurers to perform duties of township treasurers.**

amended. The supervisors in and for the several wards shall represent the said wards in the board of supervisors of the county, and shall be entitled to all the rights, privileges and powers, and shall be subject to all the obligations of supervisors of townships. The said treasurers, in their respective wards, for the purposes of the collection and return of State, county, school, library and school house taxes, shall be deemed township treasurers, and shall for these purposes have all the powers

and perform all the duties, and be subject to all the liabilities of township treasurers. The treasurer of each ward shall, on or before the fifth day of November, give to the county treasurer a bond in double the amount of the State and county taxes apportioned to his ward, with good and sufficient sureties, to be approved by the supervisor of his ward or the county treasurer, with like condition as that required of township treasurers; and shall also within the same time give to the city treasurer and his successors in office, a bond in such sum as the supervisor of his ward or the city treasurer shall approve, conditioned for the faithful discharge of the duties of his office, and that he will faithfully and truly account for and pay over according to law, all moneys which shall come to his hands as such treasurer, and the city treasurer shall file the same in his office. In case the treasurer of any ward shall refuse to serve, or shall die, resign, remove out of the ward before he shall have entered upon or completed the duties of his office, or be disabled from completing the same from any cause, the common council shall forthwith appoint a treasurer for the remainder of the year, who shall give like security, and be subject to like duties and penalties, and have the same powers and compensation as the treasurer in whose place he was appointed; and the recorder shall immediately give notice of such appointment to the county treasurer; but such appointment shall not exonerate the former treasurer or his sureties from any liabilities incurred by him or them. The aldermen heretofore elected in and for the first ward shall continue to hold their offices, and shall be deemed aldermen of the fourth ward, and shall represent the same in the common council until the terms of office for which they were respectively elected, expire, or until said offices otherwise become vacant by law."

To give bond to county treasurer.

Also to city treasurer.

Vacancy in office of treasurer to be filled by common council.

Recorder to notify county treasurer in such case. Not to exonerate former treasurer. Aldermen in first ward to continue in office, and to represent the fourth ward.

Sec. 5. That section twenty of said act be amended, so as to read as follows:

"Sec. 20. All moneys raised to defray the expenses of said city, within the limits thereof, shall be collected and paid over by the marshal to the treasurer of said city, at such times and under such regulations as shall be provided by the ordinances of the common council."

Marshal to collect money and pay over to treasurer.

Sec. 6. That section twenty-seven of said act be so amended, as to read as follows:

"Sec. 27. The marshal of said city shall have power and authority, and it shall be his duty with or without process, to apprehend any persons distrib-

ing the  
peace, &c.

Persons  
found drunk,  
&c.

May com-  
mand assis-  
tance.

May appoint  
deputy, &c.

Authority,  
&c., of dep-  
uty.

son found disturbing the peace or offending against any of the by-laws and ordinances of the city, and forthwith take any such person before any justice of the peace of said city, to be dealt with as the by-laws and ordinances of such city, or the statutes shall provide; and may apprehend and imprison any person found drunk in the streets, until such person shall become sober, and shall be authorized to command the assistance, in the discharge of such duties, of any of the citizens, if deemed by him necessary. The marshal may, with the approval of the common council, appoint a deputy, and revoke such appointment at his pleasure, which appointment and revocation shall be in writing under his hand, and filed in the office of the recorder; and such deputy may perform all the duties of the marshal. The marshal and his sureties shall be responsible for the acts of his deputy, and in case of the death, resignation or removal of the marshal, or in case of a vacancy by any other means, in the said office of marshal, the deputy shall perform all the duties of such marshal until such vacancy be supplied."

Sec. 7. That section twenty-nine of said act be amended, so as to read as follows:

Treasurers  
to pay over  
certain  
moneys, &c.

"Sec. 29. The treasurers of the several wards shall, on or before the first day of February, pay the amount of moneys raised for school and library taxes, to the city treasurer, to be by him paid on the order of the school inspectors or school district officers, as the case may be, and the warrant for the collection of taxes given to the said ward treasurers shall command them accordingly."

Sec. 8. That section thirty of said act be so amended as to read as follows:

No ordi-  
nance to  
take effect  
until pub-  
lished.

Evidence of  
publication.

"Sec. 30. No ordinance passed by the common council shall take effect until after the same shall have been published in one or more newspapers of said city, or by posting in at least three public places in said city, as shall be directed in such ordinance; and the affidavit of the printer, or foreman or clerk of the printer of such newspaper or newspapers, of the publication of such ordinance in such newspaper or newspapers, or the affidavit of the posting of such ordinance by the person posting the same, shall be entitled to be read in all courts of justice in the State, and in all proceedings before any officer, body or board in which it shall be deemed necessary to refer thereto, and shall be prima facie evidence of such publication or posting, and of the facts therein stated."

Sec. 9. That section thirty-two of said act, and the act entitled "an Repeal act to amend section thirty-two of an act entitled an act to incorporate the city of Adrian, approved January thirty-first, eighteen hundred and fifty-three," approved February tenth, eighteen hundred and fifty-three. be and the same are hereby repealed.

Sec. 10. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 87. ]

AN ACT relating to Burying Grounds.

SECTION 1. *The People of the State of Michigan enact*, That any <sup>Five or more persons may</sup> five or more persons of lawful age may organize themselves into a corporation, by such name as they shall adopt, for the purpose of acquiring land for a burial ground for the dead, to dispose of rights of burial therein, and to fence, improve, ornament and keep the same in suitable condition, in the manner hereinafter provided.

Sec. 2. Such corporation shall have power to acquire and hold in fee, <sup>Power to hold lands for burial ground, &c.</sup> in their corporate name, so much land as may be necessary for their burying ground: *Provided*, That no land thus held shall be in any way encumbered by such corporation: *And provided further*, That the purchase price thereof and interest, and cost of fencing, improving and platting the same, shall be paid out of the funds first realized from the sale of rights of burial.

Sec. 3. A right of burial under this act, shall be, in respect to any <sup>Rights of burial.</sup> corporation organized under this act, the right to bury the dead in and upon a parcel of land of the size specified in the by-laws of any corporation organized under this act.

Sec. 4. Any stockholder in any corporation organized under this act, <sup>Transfer of rights of burial.</sup> wishing to dispose of any right of burial owned by him, shall procure for the purchaser a grant of such right from said corporation; and at the same time such stockholder shall also relinquish to such corporation all claim he may have to such right of burial.

Sec. 5. Any person owning a right of burial derived from any corporation organized under this act, and having the right to use the same, <sup>Who to be deemed stockholders.</sup> shall be deemed a stockholder, and shall have the right to vote at all meetings of the stockholders of such corporation.

Call of meeting to incorporate society.

Notice of meeting.

Affidavit of notice, &c., to be made and filed, &c.

Selection of officers, &c.

Officers; how chosen.

Vacancies; how filled.

Officers to file acceptance.

Sec. 6. Upon application in writing of any three of the persons aforesaid, to any justice of the peace of the county in which such burying ground is to be situated, he shall issue his warrant to either one of said applicants, directing him to call a meeting of the persons wishing to become incorporated, which warrant shall contain the substance of the application, and shall state the time and place of holding the meeting; and such meeting shall be called in obedience to such warrant, by posting up notice thereof containing the substance of the warrant, in at least two public places in the township, city or village, in which such burying ground is to be situated, at least ten days before the time of holding such meeting.

Sec. 7. The person to whom the aforesaid warrant is directed, shall, after having called said meeting, attach to said warrant a copy of the notice accompanied by his affidavit, showing that it is a true copy of the notice posted up by him, and also showing when and where such notices were posted; and the same shall be presented to such meeting, and filed by the clerk elected thereat.

Sec. 8. Any five or more persons who shall meet in pursuance of such notice, may choose a president, clerk, treasurer, sexton, and such other officers as they may determine to be necessary, and may also provide for calling future meetings and filling vacancies.

Sec. 9. The officers named in the next preceding section shall be chosen by ballot, and the person having the highest number of votes for any office shall be deemed elected. All the other officers of the corporation shall be chosen in such manner as shall be prescribed by such corporation in their by-laws. The time and place of holding meetings for the election of officers and for other purposes, shall also be prescribed in said by-laws.

Sec. 10. A majority of the officers required to be chosen by ballot, in any corporation organized under this act, shall have power to fill any vacancy in office by appointment.

Sec. 11. All persons elected or appointed to any office under any corporation organized under this act, shall within ten days after such election or appointment, file with the clerk a written acceptance of the office, together with a bond, if required, or said office will be vacant.

Sec. 12. Any person attending any meeting for the election of offi-



cers of any corporation organized under this act, and elected thereat to any office, shall be deemed to have been duly notified of his election; the clerk of such corporation shall, within two days after the election of any person to office, who was not present at the election, notify such person of his election.

Notice to officers elected.

Sec. 13. The treasurer shall give a bond to the corporation, with sufficient sureties, to be approved by the president thereof, for the faithful discharge of his duties, which bond shall be filed with the clerk.

Treasurer to give bond.

Sec. 14. The officers of any corporation organized under this act, shall receive such reasonable compensation for their services as shall be allowed by such corporation at any regular meeting of the stockholders, and no more.

Compensation of officers.

Sec. 15. Corporations organized under this act, shall have power to make all needful by-laws and regulations, not inconsistent with this act, as may be necessary to enable them to manage the affairs of such corporation.

May make by-laws.

Sec. 16. Within one week after the organization of any corporation organized under this act, the clerk shall make out a certificate of the organization of such corporation, specifying the corporate name thereof, the officers chosen at the first meeting, which certificate shall be signed by the president and clerk of such corporation, and forthwith record such certificate in the office of the clerk of the county in which such burying ground is or may be situated, in a book to be provided and kept by him for that purpose, who shall be entitled to receive seventy-five cents for recording the same.

Certificate of organization to be made, filed and recorded.

Sec. 17. Before any corporation organized under the provisions of this act shall issue certificates of rights of burial, they shall cause their burial ground to be laid out in such form as they may choose, and cause two maps thereof to be made, which maps shall accurately describe the land belonging to such burying ground, its boundaries and location, with the lots or subdivisions named or numbered thereon, and also their size, situation and extent, with the width, extent and location of all the streets, alleys or walks in such burying ground, which maps shall be prepared under the supervision and direction of the president and clerk of such corporation, and certified by them to be a correct map of their burying ground. One of the above maps shall be filed with the clerk

Burial ground to be laid out and maps made, &c., before issuing certificate of rights of burial.

of the corporation, and the other with the county clerk of the county in which such burying ground is situated; whereupon said clerk shall give said corporation a certificate, under his hand and seal of office, showing that such map has been received and duly filed by him, which certificate shall be filed with the clerk of said corporation.

Corporate  
rights.

Sec. 18. All corporations organized under this act, shall be capable in their corporate name, of suing and being sued, appealing, prosecuting, and defending, to final judgment and execution, in any of the courts of this State or elsewhere, and to have a common seal which they may alter at pleasure.

Existing  
corporations  
may organ-  
ize under  
this act.

Sec. 19. Any burying ground corporation hereafter [heretofore] organized under any law of this State, upon complying with the provisions of the preceding sections of this act, shall possess all the powers, and be subject to all the restrictions, of corporations originally organized under this act.

Existing  
rights not  
impaired.

Sec. 20. Any right that may have accrued to any member or stockholder of a burial ground corporation heretofore existing in this State, shall not be affected or impaired by reason of this act.

Vacating  
burying  
ground.

Sec. 21. Whenever it may become necessary to vacate any burying ground, the property of any corporation organized under this act, such corporation may, by a majority of its stockholders present at any regular meeting, direct the president and clerk of such corporation to petition the circuit court for the county in which such burying ground is situated, for leave to vacate the same; and such circuit court may make such order in the premises as shall be just and proper: *Provided*, No final order shall be made within six months from the time of filing such petition, and due proof of publication of notice of such petition, for twelve successive weeks, in such newspaper as may have been designated by said court for that purpose.

Forfeited  
rights, how  
disposed of.

Sec. 22. It shall be lawful for any corporation organized under this act, to dispose of that part of any forfeited right of burial, which has not been actually used as a repository of the dead, in like manner as if the same had never been granted.

Assessments  
remaining  
unpaid for  
fifty years.

Sec. 23. Any corporation organized under this act may be authorized by the circuit or district court of the county, upon the like petition and notice as are required in the twenty-first section of this act, and after

six months from the filing of such petition, to re-dispose of burial rights on which assessment shall have remained unpaid for fifty years or more.

Sec. 24. A majority of the stockholders of any corporation organized under this act, at any regular meeting thereof, shall, when necessary, have power to make an assessment upon the stockholders of such corporation.

Assessments; how made.

Sec. 25. After an assessment has been made, as provided for in the next preceding section, such corporation shall cause a record to be made of such assessment, and showing the day when the same was made, with a list of the names of all the stockholders in such corporation, and the amount assessed to each stockholder; a copy of the assessment shall be furnished by the clerk to the treasurer of such corporation.

Record of assessments to be made.

Copy forwarded to treasurer.

Sec. 26. Within one month from the time of making any assessment, the clerk of the corporation making the same, shall cause a notice of such assessment to be published, for twelve successive weeks, in the newspaper printed nearest to the burial ground of such corporation, which notice shall state when such assessment was made, with a list of the names of all the stockholders in such corporation, and the amount assessed to each, and directing each stockholder to pay his assessment to the treasurer of such corporation; and if any such stockholder shall neglect or refuse to pay any assessment, for six months from the time such assessment was made, all rights of such stockholder under such corporation shall cease, and all rights of burial owned by him shall revert to said corporation.

Notice of assessment to be published.

Forfeiture for non-payment.

Sec. 27. The powers and duties of all officers holding office under any corporation organized under this act, shall be defined by the by-laws of such corporation, except so far as they are defined in this act.

Duties of officers, how defined.

Sec. 28. It shall be the duty of the treasurer of any corporation organized under this act, to receive and safely keep all moneys belonging to such corporation, and pay them out on the order of the clerk, countersigned by the president of such corporation.

Treasurer's duty.

Sec. 29. A record shall be kept by each corporation organized under this act, of the rights of burial disposed of by such corporation, in the following form:

Form of certificate of right of burial.

"No.—. The .....for....., to them paid by ....., of....., hereby grant unto ....., right of burial in their grounds, and embracing in reference to this map, ....., subject, nevertheless, to assessment and forfeiture, as provided by law.

Dated, ..... 18.....

Countersigned, ....., President. ...., Clerk."

**Blanks.**

Sec. 30. It shall be the duty of every corporation organized under this act, to procure a sufficient number of blanks of the form above prescribed, bound in convenient form, with an index, in which shall be entered alphabetically the names of the purchasers of rights of burial in the grounds of such corporation.

**Index.**

**Price; how established.**

Sec. 31. The price of rights of burial in the grounds of such corporation, shall be determined by the stockholders of such corporation present at any regular meeting.

**Receipt for payment.**

Sec. 32. Upon payment to the treasurer of any corporation organized under this act, the price of any right of burial determined as above, it shall be the duty of such treasurer to give to the purchaser a receipt therefor, which receipt shall accurately describe the premises on which payment has been made.

**Certificate to issue.**

Sec. 33. Upon presenting to the clerk of any corporation organized under this act, a receipt from the treasurer thereof, in the form prescribed in the next preceding section of this act, it shall be the duty of such clerk to issue a certificate of right of burial, signed by such clerk, and countersigned by the president of such corporation, in the form prescribed in the twenty-ninth section of this act.

**Potters' field.**

Sec. 34. Any corporation organized under this act, shall have power to set off a part of their burial ground as a potters' field, and under proper regulations permit the dead to be buried therein.

Sec. 35. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 88. ]

AN ACT to provide for the sale of certain land in the village of Jackson, belonging to the State.

**Preamble.**

Whereas, A certain parcel of land in the village of Jackson, was

conveyed as a donation to the State of Michigan, by the heirs of Samuel Blackmar, deceased; now therefore,

SECTION 1. *The People of the State of Michigan enact, That* the Commissioner of the Land Office and the Attorney General be and they are hereby authorized and empowered, if in their opinion the State has a good and valid title to said land, to appraise the same at the actual cash value thereof, which appraisal shall be in writing, signed in duplicate, one to be filed in the office of the Commissioner, and the other in the office of the Auditor General. Land to be appraised.

Sec. 2. After such appraisal shall have been made and filed as afore- said, the said land shall in all respects be subject to the provisions of law regulating the management, sale, and final disposition of the lands of this State, taken upon the collection of debts to the State; and all sums received on account of the said land, or any part thereof, shall be paid into the treasury of the State, to the credit of the general fund. Land to be subject to general provisions, &c.

Sec. 3. This act shall take effect immediately.

Approved February 12, 1855.

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[ No. 39. ]

AN ACT to amend an act entitled "an act to provide for the Incorporation of Railroad Companies.

SECTION 1. *The People of the State of Michigan enact, That* section 59 of an act entitled "an act to provide for the incorporation of railroad companies," be amended by adding at the end of said section the following words: "*Provided*, That nothing in this act contained shall be in any manner whatsoever, construed to revive or continue in force any charter of incorporation, where forfeitures have been incurred, or to affect any suit or proceeding at law now pending, relative to any alleged forfeiture of franchises on the part of any such railroad corporation of this State, nor in any manner to waive or release any such forfeiture of franchise alleged to have been incurred by any such railroad corporation prior to the passage of this act," so that said section as amended, will read as follows, viz: "All acts, the subjects of which are herein re-enacted, or which contravene or are inconsistent with the terms and intention of this act, are hereby repealed: *Provided*, That nothing in Amendment to act No. 32 of 1855.

Not to revive this act contained shall in any manner whatsoever be construed to re-  
 any charter or effect any  
 pending  
 suit, &c.  
 vive or continue in force any charter of incorporation, where forfeitures  
 have been incurred, or to affect any suit or proceeding at law now pend-  
 ing, relative to any alleged forfeiture of franchises on the part of any  
 such railroad corporation of this State, nor in any manner to waive or  
 release any such forfeiture of franchise alleged to have been incurred by  
 any such railroad corporation, prior to the passage of this act."

Approved February 12, 1855.

[ No. 90. ]

AN ACT to amend sections nineteen and twenty-two, of chapter one  
 hundred seventy-two of the revised statutes of eighteen hundred  
 and forty-six.

SECTION 1. *The People of the State of Michigan enact*, That  
 section nineteen of said chapter be amended, so that said section as  
 amended, shall read as follows:

Salaries of  
 officers and  
 agents of  
 State prison.

"Sec. 19. There shall be paid to the officers of the prison the follow-  
 ing annual salaries, to be paid quarterly, at the office of the prison, to-  
 wit: to the agent, one thousand dollars; to the deputy keeper, six hun-  
 dred dollars; to the clerk, six hundred dollars, and to the assistant keep-  
 ers, a sum not exceeding five hundred dollars each, as the inspectors  
 shall deem just and reasonable; to the chaplain, five hundred dollars,  
 and to the physician such sum as the inspectors shall allow."

Sec. 2. Section twenty-two is hereby amended, so that the same shall  
 read as follows:

Compensa-  
 tion of in-  
 spectors.

"Sec. 22. The inspectors shall be allowed for their services respective-  
 ly, three dollars for each and every day actually and necessarily occu-  
 pied in inspecting the prison and inquiring into the management there-  
 of, not to exceed thirty days in each year, and they shall also be allowed  
 the same amount of traveling fees as are allowed by law to members of  
 the board of supervisors, to be audited by the Auditor General, and to  
 be paid on his warrant out of any moneys in the treasury not otherwise  
 appropriated."

Traveling  
 fees.

Sec. 3. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 91. ]\*

AN ACT to provide for the collection of tolls, and for the care, charge and operating of the St. Mary's Falls Ship Canal.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Appointer of superintendant.</sup> the Governor is hereby authorized, by and with the advice and consent of the Senate, to appoint a Superintendent of the St. Mary's Falls Ship Canal, whose term of office shall commence on the first day of April <sup>Term of office.</sup> next, and continue for two years, or until his successor in office is appointed and ready to enter upon his duties, who shall have the general care and supervision of said canal and property belonging thereto, and shall receive such tolls from vessels passing into or through said canal, as shall be hereinafter provided and established by this act; and the said superintendent for the faithful discharge of his official duties, shall <sup>To give bond.</sup> give a bond with two or more sureties, in the sum of five thousand dollars, and approved by the Governor, Auditor General and State Treasurer, (who are hereby appointed and constituted a board of control of said canal.) <sup>Board of control. Account to be kept.</sup> The said superintendent shall keep an accurate account of all tolls received, and on the last day of each month in which any tolls shall be collected, he shall transmit a copy or abstract of the same to the said board of control; and such abstract shall also state the amount of money paid out for the benefit of the canal, and to whom, and for what purpose; and on the last day of each month as aforesaid, <sup>Moneys collected to be paid to State Treasurer.</sup> or at such other time as the State Treasurer shall direct, he shall pay to said State Treasurer, in such funds, and in such place and manner as said Treasurer may at any time direct, all tolls or moneys collected, over and above a sum not exceeding five hundred dollars, after paying the actual and necessary expenses for the care, repairs and operating of said canal, (subject in all cases to the approval of said board of control,) and the tolls or moneys paid as aforesaid to the said State Treasurer, shall <sup>Fund.</sup> be known as the St. Mary's Falls Ship Canal Fund. It shall be the duty of said superintendent to keep a record of all vessels passing <sup>Record of vessels passing to be kept.</sup> through said canal, exhibiting the names of the vessel and captain, tonnage, place of enrollment, whether steamboat, propeller or sail vessel, and the amount of tolls collected of each vessel, and on the last day of <sup>Amount of tolls.</sup> each month as aforesaid, a copy or abstract of the same shall be transmitted to said board of control; and the said superintendent shall receive

**Salary of superintendent.** such salary as shall be fixed and established by said board, not exceeding one thousand five hundred dollars per annum.

**Duties of superintendent.** Sec. 2. Said superintendent shall have the charge, care and operating of the said canal, and shall be authorized to employ such assistants as shall be necessary for operating and keeping the same in repair, and shall keep a correct account of all moneys paid for such repairs, or to such assistants, and shall be empowered to remove all obstructions to such canal, under such rules and regulations as shall be prescribed by said board of control; and it shall be the duty of said superintendent on the last day of each month as aforesaid, to transmit to said board a statement of the condition and business of the said canal, of all repairs made for the current month, and of such future repairs and expenditures as he may deem necessary for the usefulness of said canal, and shall make all such repairs or alterations as shall be directed by said board of control.

**Monthly report.** Sec. 3. Before any vessel shall be allowed to pass into or through said canal, there shall be paid to the said superintendent four cents on every ton of such vessel's enrolled tonnage or measurement, or such other rate per ton as may be at any time established by said board of control, after giving thirty days notice of such change in two or more daily papers published in Detroit and Cleveland: *Provided*, That no toll or other charge shall be collected upon the vessels of the United States, engaged in the public service, or in the transportation of property or troops of the United States.

**Tolls to be paid.** **Vessels in U. States service exempt.** **Board of control to make rules, &c.** **Regulations.** Sec. 4. It shall be the duty of said board of control, to make from time to time, such rules and regulations as they may deem necessary for the benefit and usefulness of said canal, and all such rules and regulations shall be binding on said superintendent; and if at any time the tolls of said canal, paid into the said canal fund as aforesaid, shall not be sufficient for any necessary or extraordinary repairs of said canal, the said State Treasurer is authorized and empowered to pay or advance such sum or sums of money, from any money in the treasury of this State, not otherwise appropriated, as shall be ordered by said board of control for said repairs, not exceeding ten thousand dollars in any one year; the said sum or sums of money so paid or advanced, to be reimbursed to said State Treasurer, with lawful interest on the same, from said canal fund. The members of the said board of control shall each re-



ceive such compensation for necessary services in going to and from and in inspecting said canal, as shall be allowed by the Board of State Auditors of this State, not exceeding the mileage and per diem now paid members of the Legislature of this State from the Lower Peninsula, such compensation to be paid by the State Treasurer from the canal fund. Compensation of board of control.

Sec. 5. Said superintendent shall be subject to removal for cause, by the said board of control, and if a vacancy shall occur by removal or otherwise, the said board shall fill such vacancy, and the person so appointed shall hold his office during the remainder of the term, unless sooner removed. Board of control may remove superintendent, and fill vacancy.

Sec. 6. The maps, plans, drawings, models, specifications and patterns, of any and all parts of the canal work, which have been used in the construction of said canal by the commissioners and engineer appointed on the part of the State, under the provisions of an act entitled "an act to provide for the construction of a ship canal around the Falls of St. Mary," approved February 5, 1853, together with any other property belonging to said canal, shall, on the completion and acceptance of said canal, be delivered free of charge to said superintendent of said canal. Plans, maps, &c., to be delivered to superintendent.

Sec. 7. Nothing in this act contained shall be taken or construed to be an acceptance by the State of the work, or an acknowledgment or admission that the said canal has been completed, or that the work done has been done in accordance with the terms of the contract for the construction of said canal. Nothing in this to be construed as acceptance, &c.

This act shall take effect immediately.

Approved February 12, 1855.

[ No. 92. ]

AN ACT to organize the county of Manitou.

SECTION 1. *The People of the State of Michigan enact, That* the several islands in Lake Michigan, known as the Beaver group, the north and south Fox Islands, the north and south Manitou Islands, be organized into a separate county by the name of Manitou, and the in- Manitowish county organized.

habitants thereof entitled to all the rights, privileges and immunities to which, by law, the inhabitants of other organized counties of this State are entitled.

**Election of  
county off-  
icers.**

Sec. 2. There shall be elected in the said county of Manitou, on the third Tuesday in April next, all the several county officers to which by law the said county is entitled; and the said election and the canvass shall in all respects be conducted and held in the manner prescribed by law for holding elections and canvasses for county and State officers:

**Canvass to  
be at St.  
James.**

*Provided*, That the canvass shall be held at the village of St. James, in said county, on the Monday next following said election; and said county officers shall be immediately [qualified] and enter upon the duties of their respective offices, and their several terms of office shall expire at the same time that they would have expired had they been elected at the last general election: *And provided further*, That until such county officers are elected and qualified, the duties of such county offices shall be discharged by the several persons elected to fill the same for the county of Emmet, at the last general election.

**Expiration  
of term.**

**Officers  
elected for  
Emmet Co.  
to perform  
duties.**

**Peaine or-  
ganized.**

Sec. 3. The Beaver group of islands in Lake Michigan, except townships thirty-seven north, and the south half of townships thirty-eight north, of ranges ten and eleven west, shall be organized into a separate township, by the name of Peaine, and the first township meeting shall be held in the village of Saint James.

**Galilee or-  
ganized.**

Sec. 4. All that part of the Beaver Island, which lies in the towns thirty-seven north, ranges ten and eleven west, and the south half of towns thirty-eight north, of ten and eleven west, shall be organized into a separate township by the name of Galilee, and the first township meeting shall be held at the school house at Galilee.

**Patmos or-  
ganized.**

Sec. 5. The north and south Fox Islands shall be organized into a separate township by the name of Patmos, and the first township meeting shall be held on the south Fox Island, at the district school house.

**Manitou or-  
ganized.**

Sec. 6. The north and south Manitou Islands shall be organized into a separate township, by the name of Manitou, and the first township meeting therein shall be held at the store house of Pickard & Brother, on the north Manitou island.

**County seat.**

Sec. 7. The county seat of said county of Manitou, shall be fixed by the board of supervisors of said county.

Sec. 8. The said county of Manitou shall have concurrent jurisdiction on Lake Michigan, with the other counties contiguous thereto. Concurrent jurisdiction.

Approved February 12, 1855.

[ No. 93. ]

AN ACT to incorporate the village of Dexter.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries of the village of Dexter. all that tract of country situate in the townships of Scio and Webster, in the county of Washtenaw, and State of Michigan, which is included in the recorded plat of the village of Dexter, be and the same is hereby constituted a town corporate, by the name of the village of Dexter.

Sec. 2. The male inhabitants of said village having the qualifications of electors under the constitution, shall meet at the school house in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder and one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described. Annual elections, when and where held. Officers to be elected. Term of office. Elections in certain cases, when held.

Sec. 3. At the first election to be holden in said village, under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and subsequent elections shall be held in said village, and superintended by the president, recorder, and one or more of the trustees; and further, that at all elections the polls shall be First election, how conducted. Subsequent elections.

**Poll list to be kept.**

**When certain ballots to be destroyed.**

**To count votes and certify result.**

**Common council to canvass returns. In case of a tie, election to be determined by lot.**

**Notice of election.**

**Notice to persons elected.**

**Oath of officers.**

opened between the hours of nine and ten o'clock in the forenoon, and continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector so voting at such election shall be written in a poll list, to be kept at such election by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots, [unopened,] and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more [ballots] are found rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper of equal size as there are persons having [an] equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

Sec. 4. It shall be the duty of the recorder of said village to give five days public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers, so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation, before any justice of the peace or notary public for said county of Washtenaw, to support the constitution of the United States, and of this State, and faithfully and impartially to

execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of the proceedings.

Duties of president & recorder.

Sec. 6. The president, recorder, and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Dexter, and by that name they and their successors shall be known in law, and shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of record and any other place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by that same name shall be and are hereby made capable of purchasing and holding, conveying or disposing of any real or personal estate for the use of said corporation.

Body corporate, name, powers, &c.

May have seal, hold property, &c.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and constructing of streets and highways, and the labor to be performed thereon within the limits thereof.

To be subject to laws relating to township government, except in certain cases.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the common council of the village of Dexter, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Who to constitute common council. Quorum.

Appointment of council meetings.

Fines for non-attendance.

Sec. 9. In case of the death, resignation or removal of the president, recorder, or any of the trustees or other officers elected by the electors of said village, such death, resignation or removal shall be announced

When common council to order election.

by the president or recorder to the members of the common council, who shall convene as soon as may be, and order by a public notice, to be posted up in three public places in said village, that an election will be held by the electors of said village, to elect a suitable person, or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Common council may remove certain officers, and fill vacancies

Sec. 10. The common council shall have power to remove at pleasure, any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur by death, resignation, removal, or any other cause; and all officers so appointed, shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Treasurer and marshal to give security.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the common council shall direct and require.

General powers of common council. To appoint officers. Make by-laws relative to fees, &c. Assess tax's.

Sec. 12. The common council shall have full power and authority to appoint a marshal, and all other officers necessary, under the provisions of this act, for said village, whose elections are not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to

Prevent nuisances.

Grant licenses.

Suppress games, &c. General powers continued.

construct sewers and reservoirs; to license all showmen; to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; relative to calling of meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to the restrain-

ing of swine, horses, and other animals, from running at large in the streets, lanes and alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to suppress billiard tables, and all other gaming tables kept for hire, gain or reward, in said village; and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for the preventing and suppressing all disorderly and bad houses: *Provided, always,* Such by-laws shall not be repugnant to the constitution and laws of the United States, or of the State of Michigan: *And provided also,* That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of Washtenaw, or by written notices posted up in three of the most public places in said village.

By-laws,  
when to  
take effect.

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for the suppression of riots, and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all such by-laws and ordinances as to them shall seem necessary, for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

Further  
powers of  
common  
council.

To prevent  
riots, gam-  
bling, and  
arrest and  
punish va-  
grants,  
drunkards,  
&c.

Sec. 14. The common council shall have full power to prevent the vending of intoxicating liquors in said village, not duly authorized; to regulate the measuring of fire-wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering of the streets, sidewalks, alleys or public grounds or square, and to regulate all grave yards and burial of the dead for said village.

To prevent  
selling li-  
quors, &c.

To design-  
ate stand  
for sale of  
produce,  
&c., and  
make other  
regulations.

Sec. 15. The common council shall have authority to lay out and establish, open, make and alter, such streets, lanes and alleys, sidewalks, highways, water courses and bridges within the limits of said village, as they may deem necessary for the public convenience; and if, in do-

To lay out  
and alter  
streets, &c.

Proceedings in case individual property is required to be taken.

ing thereof, they shall require for such purposes, the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her, or their agent or representative, by personal service, or by

written notice posted in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the

When parties cannot agree, jury to be summoned.

same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a

venire facias, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into the necessity for taking or using such grounds or premises, and to ascertain and determine the just compensation to be made therefor to the owner or owners of, or parties interested in, such grounds

Oath of jury.

or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity for taking or using such grounds or premises, and to ascertain and determine the just compensation to be made therefor, and having viewed the premises, if

Duty of jury.

necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict,

Justice to render judgment on verdict.

enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before

Damages to be tendered before street &c. shall be opened.

such street, lane or alley, sidewalk, highway or bridge, shall be made, opened, established or altered, to the claimant or claimants thereof. It shall

thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Pro-*

Claimant may appeal, on giving requisite notice, &c.

*vided,* That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to said justice in writing, within ten days, or in case of the absence of said party from the said village, (at the time of the



rendition of the judgment,) then within thirty days after the verdict of such jury, and the judgment of said justice as aforesaid; and upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal. Costs of appeal, by whom to be paid.

Sec. 16. Any justice of the peace of either of the townships of Scio or Webster is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established, by the said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders, as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided, always*, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury. Justices of townships of Scio or Webster to try offences. Jury may be demanded.

Sec. 17. The marshal, recorder, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct, but the residue of the common council shall not receive any pecuniary compensation for their services. Compensation of officers.

Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof; previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures; which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expen- Duties of common council relative to settlement of accounts, &c.

ees, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

**Citizens not incompetent as jurors or witnesses, by reason of citizenship.** Sec. 19. In all processes, prosecutions, and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

**Service of process against corporation.** Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

**Powers of common council in relation to taxes.** Sec. 21. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed in any one year, one-fourth of one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax; and every assessment of taxes lawfully imposed or laid by said common council, on any lands, tenements and hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands and tenements and hereditaments, from the time of making such assessments or imposing such tax until paid; and the owner or occupants or parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least four weeks, once in each, previous to

**When property to be sold for tax.**

**Notice of sale.**

such sale; and the said marshal shall give to the said purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the sale shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be prima facie evidence that the sale and all the proceedings therein, prior to such sale, were regular, according to the provisions of this act; and every such conveyance executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate so sold, shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

Certificate to be given to purchaser.

If premises not redeemed in two years, marshal to execute deed.

Effect of deed.

Prima facie evidence of regularity.

Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left, for the inspection of all persons interested, and of the time when, and the place where, they will meet to hear the objections of any persons interested to the valuation so made by them; and at the time so appointed the assessors shall meet, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors, at any time within ten days there-

Duty of assessors.

Notice of completion of assessment.

When assessors may reduce valuation.

When common council may reduce valuation. after, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

Common council to make out taxes. Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Marshal to pay over money to treasurer. Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the common council.

Street commissioners may be appointed. Further powers of common council. Sec. 25. The common council shall have power to appoint one or more street commissioners, or other officers, to superintend and direct the making, paving, repairing and opening all streets, lanes, alleys, side-walks, highways or bridges, within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such side-walks to be assessed on lots or premises adjoining such improvements, or by general assessments or otherwise, as they may direct.

Organization and regulations of fire companies. Sec. 26. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council; and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such

Fines for neglect of duty.

by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such shall be exempt from serving on juries and working a poll tax on the streets and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engines, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purposes of working or examining said engine and other instruments, with a view to their perfect order and repair.

Exemptions of members of fire companies.

Meetings of fire companies.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing said fire, as in preventing any goods from being stolen, and also, in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Duty of marshal in case of fire.

Sec. 28. This act shall be deemed a public act.

Sec. 29. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 94. ]

AN ACT to amend the laws incorporating the city of Detroit, and the several acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact, That* so much of an act of the legislature of this State, entitled "an act relative to ward elections in the city of Detroit, and for other purposes," approved on the 27th day of March, 1839, as requires the charter election in said city to be held on the first Monday in March in each year, be and the same is hereby repealed: *Provided, That* such repeal shall not apply to the charter election for the year 1855; and from and after the present year, the charter election in said city shall be held on the first Tuesday in February in each year, and shall be conducted in all respects in conformity with the laws now in force relative to charter elections in said city. The ward inspectors of elections in said city, or

Certain part of act number 35, of 1839, repealed.

Not to apply to election of 1855.

Charter election, when to be held.

a majority thereof, shall, on the Saturday next succeeding each charter election, after the present year, at 8 o'clock P. M., meet at the common council room in said city, and then and there proceed to open and canvass the returns, and declare the result of such election, in the manner heretofore required and prescribed by the laws relative thereto now in force.

Terms of  
certain off-  
cers, when  
to expire.

Sec. 2. The official terms of the mayor and recorder elected at the charter election for the present year, 1855, and also of the aldermen elected at the charter election for the year 1854, shall expire on the second Tuesday of February, in the year 1856; and the official term of the aldermen elected at the charter election for the year 1855, shall expire on the second Tuesday in February, 1857; and the official terms of all other officers elected at the charter election for the year 1855, shall expire as soon as their successors, elected or appointed in the year 1856, shall have been qualified for the discharge of their duties.

Common  
council may  
appoint a  
collector,  
&c.

Sec. 3. The common council of the city of Detroit is hereby fully empowered and authorized to appoint an officer to be called a city collector, who shall hold his office for the term of one year, whose powers, duties and compensation, shall be prescribed by said common council. Such collector, before entering upon the duties of his office, shall take and subscribe the usual oath of office, and enter into a bond in such sum as the council may direct, and with such securities as they may approve.

Act No. 22,  
of 1827, and  
act No. 89,  
of 1841,  
amended.

Sec. 4. Section twenty of an act relative to the city of Detroit, approved April 4th, 1827, and the act amending the same, approved April 13th, 1841, are hereby amended by striking out the word "either," in the thirteenth line, and the words "or otherwise, as they may direct," in the sixteenth line of said section, and by inserting after the provision relative to the establishing a line of buildings, the words "for numbering the same, and establishing a line beyond which docks and wharves shall not be built or extended into the Detroit River," so that said section shall read as follows: "Sec. 20. That said common council shall have full power and authority to appoint street commissioners or other officers, to superintend and direct the making, paving, repairing or opening of all streets, lanes, alleys, sidewalks, highways or bridges, within said city, with such power as may be necessary for leveling and graduating

Authority  
of common  
council to  
appoint  
street com-  
missioners,  
&c.

the same; for establishing the line thereof, upon which buildings may be erected, and beyond which such buildings shall not extend; for numbering the same, and establishing a line beyond which docks and wharves shall not be built or extended into the Detroit River, within the limits of said city, and generally to do and perform, under the by-laws and ordinances, or other directions of the common council, whatever may be deemed conducive to the regularity, public health and convenience of said city; and the common council shall have full power and authority to provide funds for defraying the expenses of such paving of streets or sidewalks as may be deemed necessary, by assessment on the owner or occupant of such lot or premises, in front of or adjacent to which such streets or sidewalks may be directed to be paved or repaired, and any such assessment hereafter made by authority of the common council, shall also be a lien until paid, on such lots or premises in front of which such streets or sidewalks may be directed to be paved or repaired; and said assessment shall be collected in the same manner as other assessments or taxes made or laid by authority of the common council." Powers of common council.

Sec. 5. The common council shall have full power to employ and appoint watchmen and policemen whenever they deem it requisite, and to prescribe their duties, powers and compensation; and said policemen when appointed and qualified, shall possess and exercise all powers, and their acts shall have the same virtue, force and effect, as the powers and acts of any constable in the county of Wayne. The council may from time to time, as they may deem requisite, designate the mayor, recorder, or any one of the aldermen, a police magistrate, and he shall possess all the jurisdiction, and exercise all the powers and authority in criminal cases, of a justice of the peace or police justice of said city, in addition to the powers heretofore or hereafter given by this or any other act. May appoint watchmen and policemen, &c. Police magistrate.

Sec. 6. No person shall be eligible to any office in said city, except the offices of scavenger and chimney sweeper, unless he is able to read and write the English language; and if any such person, unable so to read and write, shall hereafter be appointed or elected to any office, it shall be the duty of the common council to declare said office vacant, and to appoint some competent citizen to fill and perform the duties of said office. Persons ineligible to office.

Certain  
fines, how  
disposed of.

Sec. 7. Hereafter all fines and other proceeds of the mayor's court of said city, when collected, shall be kept as, and constitute a separate and distinct fund, to be used for the payment of the officers of said court, and other expenses thereof; and no charge or account, whether the same be for the fees of any officer, or other expenses of said court, shall be paid, save out of said fund: *Provided*, That whenever said fund has accumulated beyond what the council may deem sufficient for the payment of said fees and expenses, the common council may direct the surplus to be appropriated to the purposes of the sinking fund.

Certain con-  
tracts pro-  
hibited.

Sec. 8. Hereafter no contract for building any sewer, the erection of any building, or the performance of any public work, in which the mayor, recorder, aldermen and freemen of the city of Detroit, shall be a party contracting, shall be let to any member of the council of said city; nor shall any person be eligible to a seat in said council who shall hold any such contract, unless prior to the time for such person to be sworn into office, he shall be released from his contract; and any contract or agreement between the mayor, recorder, aldermen and freemen of the city of Detroit, and any member of the common council thereof, or in which any such member shall be interested directly or indirectly for the building of any sewer, erection of any building, or the performance of any public work, hereafter made, shall be absolutely void.

Office of as-  
sessor, when  
to expire,  
&c.

Sec. 9. The official term of the assessor to be elected in said city at the charter election for the present year, 1855, shall expire on the first Monday of March next thereafter; and at the annual charter election held in said city in the year 1856, and every year thereafter, there shall be elected by the qualified voters of each ward in said city, one assessor for each ward, who shall hold his office until the first Monday in March next succeeding his election, or until his successor shall have been duly qualified; and each person elected to the office of assessor shall take and subscribe the usual oath of office, and enter into a bond in such sum and with such sureties, as shall be directed or approved by the common council: *Provided however*, That the person elected to the office of assessor in said city, at the charter election for the year 1854, shall be the assessor of the ward in which he shall reside until the expiration of his present term of office; and no assessor shall be elected in any such

Previous.



ward until the charter election for the year 1857, and the assessor elected at that election in such ward shall enter upon his duties on the expiration of the term of the assessor elected in 1854.

Sec. 10. From and after the year 1855, the assessor of each ward in the city of Detroit shall make the assessment of real and personal property in the ward for which he has been elected assessor; and no assessor shall act in any other ward than that for which he has been elected assessor. Each assessor to make assessment for his ward.

Sec. 11. The annual assessment in the several wards of said city, after the year 1855, shall be made during the month of March in each year; and the common council shall cause proper books, or rolls, to be prepared for the use of the assessors in making their assessments, (one for each ward,) on or before the first day of March in each year. Assessments to be made in March.

Sec. 12. The ward assessor in each ward is hereby fully empowered and authorized to demand of every person owning, or having charge of any taxable property, as agent, or otherwise, in the ward, a list of such property, with such description as will enable him to assess the same; and he shall have power, and is required, when not satisfied with such list, to examine the party under oath touching the same. Assessor may demand list of property.

Sec. 13. If any person refuse to furnish a list of his or her property as aforesaid, or to testify under oath concerning property belonging to him or her, or under his or her charge, or to deliver a correct description of his or her property to the assessor, within ten days after such demand shall have been made, or wilfully omit any such property from the list furnished by him or her, such person shall, upon conviction before the mayor's court, or any other court of competent jurisdiction, be liable to a fine not exceeding five hundred dollars, and the costs of prosecution. Punishment for refusing to give a list, or making false list.

Sec. 14. Each assessor shall make out and complete the entire assessment roll of the ward in which he is elected, without interference from or consultation with the assessor of any other ward; and after all the assessors have completed their rolls, and on the first Monday in April in each year, succeeding their election, they shall meet together at the common council room in said city, and organize as a board of assessors, for the purpose of hearing complaints of any and all persons against any assessments contained in any of said rolls, and making such corrections or alterations of the assessments, whether of real or personal prop- Assessment roll, how completed, &c. Board of assessors.

**To continue in session two weeks.** erty, as the majority of the board shall deem proper. Said board shall continue in session from day to day for the space of two weeks; and any person considering himself aggrieved, may lay the cause of such grievance before the board of assessors, either verbally or in writing, and on sufficient cause being shown by the affidavit of such person, or by other evidence, to the satisfaction of said board, they shall review the assessment complained of, and may alter the same, as to the property of any such person, and the estimated value thereof: *Provided however,* That the assessor who has made the particular assessment complained of shall have no voice or vote on the decision to be made by the board on such assessment, and that a concurrence of a majority of the remaining assessors shall only be required in any case on the question of altering or reducing any such assessment.

**Assessment roll, how confirmed.** Sec. 15. The common council shall, at its next regular session, after the expiration of said two weeks in which the board of assessors are to sit, confirm said assessment lists or rolls: *Provided,* That all persons who consider themselves aggrieved by the assessment of their property, and the decision of the board of assessors thereon, may, at said session of the common council, appeal to said council. Every appeal shall be in writing, and shall state specifically the grounds of the appeal, and the matter or the thing complained of; and no other matter shall be considered by the council. While acting upon said appeals, the assessors may meet with the council, and make such explanations as may be requisite in each case. The council shall hear and determine all appeals in a summary way, and correct any errors which they may discover in the assessment rolls, and may place upon such rolls any property not already listed, and may increase or diminish any assessment as they may see fit; after which, said rolls shall be fully and finally confirmed.

**Council to correct errors, &c.**

**Notice of meeting of assessors.** Sec. 16. The city clerk shall cause a notice to be published in the official paper of the city, and in one other daily paper published in the city, for two weeks prior to the time for the first meeting of said board of assessors, informing tax payers of the time and place of the meeting of said board, and of the objects for which it will meet, and the length of time it will continue its sessions. Such notices shall continue to be published in said papers on each publication day thereof, until the expiration of the time for said board to hold its sessions.

Sec. 17. Said ward assessors shall receive as compensation such sum or sums of money as the common council shall prescribe, for the time actually employed by them in making their assessments, and while sitting as a board, payable upon the warrant of the city auditor.

Compensation of assessors.

Sec. 18. So much of the provisions of "an act to amend the charter of the city of Detroit," approved January 30, 1850, as conflicts with the foregoing sections and provisions relative to assessors and assessments, shall be of no force or virtue after the expiration of the present year, 1855, and all laws, or parts of laws, in any way conflicting therewith shall be, and the same are hereby repealed from and after the present year.

Acts repealed.

Sec. 19. After the assessment rolls of the city of Detroit for the present year, 1855, have been made out, according to the provisions of laws now in force, the assessors of said city shall leave the same at the city treasurer's office, and shall cause a notice to be published in two of the public newspapers published in said city, (one of which shall be the official paper of the city,) informing the tax payers of the city that the rolls have been made out, and are at the city treasurer's office, and will remain there for two weeks, for the inspection of all persons interested in the same; and said assessors shall meet at said treasurer's office at the hour of 9 o'clock on each day, (except Sundays,) for the two weeks said rolls shall remain in said office, and continue in session as a board for three hours on each day. All persons aggrieved by any assessment on said rolls may appear before said board, on any of the days it shall continue in session, and present to the board such affidavits, certificates or statements as they may deem proper, relative to any assessments on the said rolls; and the said board, or any two members of the same, on being satisfied, by affidavits or otherwise, that any assessments on said rolls are incorrect, unjust or excessive, may make all such corrections in regard to names of persons or descriptions of property, and may reduce the amount of any assessment, as to them may seem right. The notice contemplated in this section shall be published ten days before the commencement of the two weeks during which the assessors are to meet, as herein provided for; and any persons aggrieved by the final action of the board of assessors, upon any matter submitted to them, according to the provisions of this section, may appeal to the common council at its next session after the assessors have closed their

Assessments for 1855.

Notice.

Board may make corrections and alterations, &c.

Notice to be published.

Appeal.

sittings; and the said council may examine into the matter of the assessments complained of on such appeals, (but in no other cases,) and may make or cause to be made, such modifications of the same, on the assessment roll, as the majority of the council may think proper. After the council has acted upon all cases appealed to that body, from the assessors, the assessment roll shall be declared fully and finally confirmed, and shall remain as the basis of all taxes to be collected in the city of Detroit until the assessment for the year 1856 has been made.

Roll confirmed.

Assessment for sewers, &c.

Sec. 20. The common council shall have full power to assess and collect of each individual using or being benefitted by any public drain or sewer, as follows, to-wit: the sum of one dollar and fifty cents annually, for each cellar drained, directly or indirectly by a drain, into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs, and the sum of fifty cents annually for each lot or sub-division of lot, being without a cellar, drained as aforesaid into any public drain or sewer, and such sums as may be fixed by the common council for all establishments requiring an annual [unusual] or extraordinary amount of drainage, drained as aforesaid, which sums, when collected, shall constitute the sewer fund, and shall be expended exclusively for the repairs and construction of sewers.

Laying out streets, &c.

Sec. 21. That whenever the common council of said city shall deem it necessary to lay out, open, extend, straighten, widen, close, vacate, or in any other manner alter any street, avenue, square, lane, alley, highway, or other public ground, or any water course or bridge, it shall be lawful for said common council to cause a notice to be published for four weeks successively, in any newspaper printed in said city, stating the

Notice.

When private property to be taken.

nature of the contemplated improvement, and where private property is to be taken for the same, specifying and describing as particularly as may be practical, the ground, with the appurtenances which may be required for either of the purposes aforesaid, and the time and place at which the damages and recompense which the owner or owners of such ground may be entitled to for the same, or to which any person or persons may be otherwise entitled by reason of the premises, will be inquired into and assessed; and such damages and recompense, apportioned and assessed among the owners or occupants of the houses and lots of ground and other real estate, which are to be benefitted by the

intended public improvement; and it shall be lawful for the mayor or recorder of said city, by a precept under his hand, and the seal of the mayor's court of said city, to command the marshal of said city to summon and return a jury of twenty-four freeholders of said city, who shall be in no wise interested in the aforesaid questions of damages and recompense, or the apportionment and assessment thereof, as aforesaid, to the mayor's court of said city, at the term specified for that purpose in such precept, which shall be the time and place expressed in the aforesaid notice, and that such precept shall be delivered to said marshal at least ten days before the return day thereof, who shall, by virtue thereof, summon and return such jury as aforesaid, twelve of whom shall be chosen by ballot, and constitute the jury for the purpose in said precept specified; and that it shall be the duty of said marshal, at least six days before the return day of such precept, to serve on the owner or owners of the ground which shall be required as aforesaid for public use, a written or printed copy of the notice to be published as aforesaid, directed to the owner or owners of such ground; and further, that in case the piece or pieces of ground so required shall be vacant, and the owners thereof shall not reside in said city, or shall be unknown, it shall be a sufficient service of said notice, by said marshal, to affix the same on some conspicuous part of such vacant premises; and further, that the said jury, when balloted for as aforesaid, in said mayor's court, shall be sworn well and truly to inquire whether the public convenience and necessity require the contemplated improvement to be made, and if they find in the affirmative, then to inquire into and assess the damages and recompense, if any, which any person or persons may sustain by reason of the premises, and where private property is to be taken, to inquire into and assess the damages and recompense which the owner or owners of the ground, with the appurtenances described and designated in said precept, shall be justly entitled to; and in all cases to apportion and assess such damages and recompense upon the owner or owners of all the houses and lots of ground lying within a thousand feet in any direction of the intended improvement, which will be benefitted by the public use of such ground required as aforesaid, or by the making of any of said contemplated improvements, as nearly as may be in proportion to the advantages which such owner or owners shall be deemed to acquire;

Jury to ascertain compensation. &c.

Marshal to summon jury.

Copy of notice to be served on owner.

Notice to non-residents, &c.

Oath of jurors.

Owners of lot, &c., benefitted, to be assessed.

Verdict of jury.

and that said jury shall make and return, under their respective hands, into said mayor's court, their verdict in the premises, specifying the amount of the damages and recompense, which they shall assess as aforesaid, if any, and the person or persons to whom the same shall be assessed, and also the apportionment thereof, in the manner above directed, and shall also designate and describe the houses and lots included in such apportionment;

To set forth names, &c.

and it shall also be the duty of said jury to set forth in said verdict and apportionment, the names of the owners, lessees and occupants of the houses and lots upon which such damage and recompense, or any part thereof, shall be apportioned and assessed, as far as the same can be ascertained; and that the said verdict shall be returned to said mayor's court, at the same or any subsequent term thereof, and upon being confirmed by said court, shall be binding and conclusive, as well upon the owner or owners as upon the lessees or occupants mentioned therein, or intended to be affected thereby, his, her or their heirs, executors, administrators or assigns;

Confirmation of verdict.

Damages to be paid or tendered.

and that it shall be lawful for said common council, upon paying or tendering the amount of damages so assessed, if any, to the parties respectively entitled thereto, to enter upon and take possession of the ground, with the appurtenances as aforesaid, and to convert the same to the public use or uses for which it has been required and assessed; and in any case where private property shall not be taken, but damages shall have been assessed for the proposed improvement in the vacation of streets, public grounds or otherwise, such damages shall be paid or tendered before such improvement shall be consummated.

When talesmen may be summoned.

Sec. 22. That if said panel of jurors shall be exhausted by challenges or otherwise, or if a sufficient number of them should not attend to

Challenges, &c., to jurors.

form a jury, it shall be competent for said mayor's court to direct a sufficient number of talesmen to be summoned to make up the panel; and it shall be competent for any person who may be affected by said proceedings, to object to any of the said jurors at the time of impaneling the same, for any ground which would be sufficient under the laws of this State to disqualify any person from acting as a juror in a civil case; and in the event, at any time, that any such jury may not be able to

If jury do not agree, another jury may be impaneled.

agree, it shall be competent for said mayor's court to discharge such jury and to impanel another, which shall be summoned by virtue of a venire facias, issuing from said court, who shall be duly sworn and proceed to discharge the duties aforesaid.

Sec. 23. That a certified copy of the assessment and apportionment of the damages and recompense aforesaid, shall, after having been completed and confirmed, be filed in the office of register of deeds for the county of Wayne, and to be a lien upon the houses and lots designated in said verdict, on which the same has been apportioned and assessed as aforesaid, from the time of such confirmation, until the same shall be paid or satisfied.

Certified copy of verdict, where filed.

Lien.

Sec. 24. Any person whose property is affected by said proceedings, and who is aggrieved thereby, may at any time before the confirmation thereof, appear in said mayor's court and show cause against such confirmation; and if said court shall, for sufficient reasons, either set aside said proceedings or refuse to confirm the same, then a new jury may be impaneled as aforesaid; but if said court shall overrule all objections to said proceedings and confirm said verdict, then any person whose property is affected by such proceedings and aggrieved thereby, may appeal to the circuit court for the county of Wayne, by filing a written notice of such appeal, and a specification of the alleged error or errors in said proceedings with the city clerk, within five days after such confirmation, and it shall be the duty of said clerk to certify all said proceedings to the ensuing term of said circuit court: *Provided however*, That on such appeal nothing but the regularity of said proceedings shall be inquired into, and that such proposed improvement or alteration, shall in no manner be stayed by such appeal.

Persons interested may show cause against confirmation of verdict.

If verdict confirmed party may appeal.

Provide.

Sec. 25. The said circuit court, on such appeal, may affirm or reverse said proceedings, and may assess costs in such manner as they shall deem proper, but no reversal shall be granted for matter of form only; and in case of any error in matter of substance, the erroneous proceeding, and all proceedings subsequent thereto, shall be reversed and set aside; and thereafter said common council may proceed from the last regular step to a termination, and the same may be so varied that the proceedings shall have reference only to the rights and interests of the appellant merely.

Judgment of circuit court thereon.

Sec. 26. It shall be competent for said common council to abandon or discontinue any proceedings under this act at any time before the same shall be confirmed by said mayor's court.

Common council may abandon proceedings.

Sec. 27. It shall be the duty of said common council to cause notice to be given at least five days before such confirmation, to every person

Notice of time and place of confirmation.

who shall be assessed for benefits as aforesaid, of the time and place of application for the confirmation of said verdict. and requiring them to show cause against such confirmation, if any they have; and in the event that the owner of any such property may be a non-resident of said city, or unknown, or such property be vacant, then such notice may be served as is prescribed in the first section of this act; and every such person conceiving himself aggrieved in the premises, may appeal to said circuit court as aforesaid, within thirty days from the confirmation of such apportionment and assessment as aforesaid, in accordance with, and subject to, all the regulations and provisions above made in reference to other appeals.

Assessments  
for benefits,  
when to be  
paid.

Notice, what  
to contain.

Sale of prop-  
erty so as-  
sessed.

Rights of  
purchasers.

Sec. 28. All assessments for benefits shall be paid by the parties respectively to the city treasurer, on confirmation of said verdict, unless an appeal be taken as aforesaid, and in such case such appellant shall pay such assessment as soon as his appeal shall be disposed of by confirmation in said circuit court; and in the event that any person or persons so assessed for benefits as aforesaid, shall at any time fail or neglect to pay any such assessment, the common council shall cause a notice to be published in any newspaper printed in said city, which notice shall be published for five weeks successively, requiring the owner or owners of the houses and lots, or other real estate, with the appurtenances upon which such assessments have been made and apportioned as aforesaid, to pay the treasurer of said city the amount thereof, with interest from the time of the confirmation, and any costs which shall have accrued, within sixty days from the date of such notice; and that if default shall be made in such payment, and such houses and lots, and other real estate will be sold at auction at a day and place to be specified in such notice, for the lowest term of years for which any person shall offer to take the same for the sum apportioned and assessed thereon, with interest and costs; and if, notwithstanding such notice, the owner or owners shall neglect or refuse to pay such apportionment and assessment with such interest and cost, then it shall be lawful for said common council to cause such houses and lots, and other real estate, to be sold at public auction as aforesaid, on the day and at the place in such notice specified for that purpose, and to give a declaration of such sale to the purchaser thereof, under the common seal of said city; and such purchaser, his executors, administrators and assigns, shall and may, by



virtue thereof and of this act, lawfully hold and enjoy the premises so sold for his and their own proper use against the owner or owners thereof, and all claiming under him or them, until his term shall be completed and ended, with full liberty to remove all the buildings and materials at the expiration of the said term, which he or they shall have erected thereon.

Sec. 29. That in all cases where any part of said real estate required for public improvement as aforesaid, by virtue of this act, shall be subject to a lease, or other agreement, all the covenants and stipulations contained in such lease or agreement shall, upon the confirmation of such assessment as aforesaid, cease, determine, and be absolutely discharged.

Certain obligations discharged.

Sec. 30. That sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen, of an act entitled "an act to amend the charter of the city of Detroit," approved the twenty-second day of February, A. D. one thousand eight hundred and forty eight, be and the same are hereby repealed, saving all rights already accrued under the same, and acts done.

Certain sections of act No. 45 of 1848 repealed.

Sec. 31. The common council are hereby vested with full power and authority to provide by ordinance for the organization, regulation, control and support of an alms house department, including therein an alms house proper, for the support and relief of the poor of said city, hospitals for the care of the sick, asylums for the insane and blind, nurseries for poor and destitute children, houses for the confinement, correction or punishment of males over sixteen and females over fourteen years of age, who shall be convicted before any court of law, of violating any law of the State of Michigan, or any ordinance of the city of Detroit, for which, under existing laws, or any which may be hereafter enacted, they would be liable to confinement in the city prison, or jail of Wayne county, [houses for the confinement and reformation of males under sixteen and females under fourteen years of age, who shall, under existing laws, or those hereafter enacted, be liable to confinement in the city prison or jail of Wayne county,] or in the State penitentiary, when in the discretion of the court, or magistrate giving sentence, the public interests would be subserved thereby; houses wherein vagrants, disorderly persons, and persons guilty of petty offen-

Certain powers of common council to establish certain institutions.

oes, may, upon conviction before any court of competent jurisdiction, be confined and compelled to labor in such manner as shall be prescribed by ordinance.

May levy  
taxes for  
purchase of  
lots, &c.

Sec. 32. The common council may from time to time, as in their discretion the circumstances may require, levy and collect taxes, in addition to those heretofore authorized by law, upon all the taxable real and personal estate in the city, in the manner and subject to the limitations prescribed in the charter for levying city taxes, for the purchase of lots, the erection of suitable edifices thereon, and the protection, government and support of said almshouse department, and for the payment of all legitimate and necessary expenses thereof; and shall, from time to time, employ and appoint such and so many officers and assistants as they may deem necessary, for the control, management and safety of the different branches of said department.

Certain ex-  
penses to be  
paid by  
State.

Sec. 33. Whenever, by the sentence of any court, any person shall be confined in any branch of said department who would, under existing laws, or those hereafter enacted, have been liable to confinement in the State Prison or Penitentiary, all expenses attending the confinement or maintenance of such person shall be paid by the State Treasurer quarter-yearly, on the certificate of the city auditor that such expenses have been incurred; and when any person shall be confined, supported or maintained, in any branch of said department, for whose confinement, support or maintenance, any township in the county of Wayne, or any county in the State of Michigan, would have been liable, under the provisions of law, all expenses attending such confinement, support or maintenance, shall in like manner be paid quarter-yearly by the treasurer of such township or county, upon the certificate of the city auditor that such expenses have been incurred.

Certain ex-  
penses to be  
paid by  
counties or  
townships,  
&c.

Persons con-  
fined re-  
quired to la-  
bor, &c.

Sec. 34. Every person confined, supported, maintained or relieved in said department, whose age and health will permit, shall be employed in some useful labor, and the officers in charge thereof shall use their best endeavors to provide for all persons under their care, such labor as on trial shall be found to suit the capacity of the individual. It shall be the duty of the officers to keep and employ separate and apart from each other, the paupers and criminals, and as far as possible to classify the latter, so that the novice in crime may not be contaminated by the evil example and converse of the more hardened and confirmed. The

Classifica-  
tion of in-  
mates.

hours of labor, which shall not exceed ten per day, shall be regulated and fixed by the common council. There shall be an accurate account kept with all paupers, charging them with the expenses incurred by the city for their board and maintenance, and crediting them with a fair and reasonable compensation for the labor performed by them; and when they shall leave the department, if any balance shall be found due them, it shall be paid to them in cash at the time of their discharge: *Provided*, That the common council may, in their discretion, order said balance to be paid to some discreet citizen, who shall expend or invest the same for the benefit of such pauper, and shall report fully his action in the matter to said council. And in case any convict or pauper shall neglect or refuse to perform the work allotted to him or her by the person in charge, such convict or pauper shall be punished by solitary confinement, and shall be fed on bread and water only, until they shall comply with the rules of said department, not exceeding five days at any one time, and such refusal and punishment shall forthwith be reported to the common council; and in case any pauper shall refuse or neglect to perform the work assigned to him or her, on three several occasions, such paupers shall be expelled from the alms house.

Sec. 35. The mayor, recorder, or any two aldermen, or any court or magistrate of competent jurisdiction, in the city of Detroit or the county of Wayne, may commit to any branch of said department provided for punishment or reformation, and all such persons as shall be convicted as vagrants or disorderly persons, or as persons guilty of any offences against any of the laws of this State, punishable by fine or imprisonment in the city prison or the jail of Wayne county, and for whose punishment in the State Prison, the laws do not provide; and any court of competent jurisdiction in the State of Michigan may, in their discretion, commit any male under sixteen, or any female under fourteen years of age, to the work-house branch of said department, who shall be convicted of any crime punishable by confinement in the State Prison, whenever, in their opinion, the welfare of the public and the convict will be promoted thereby. The director of the poor of the city of Detroit, shall commit to the alms house all paupers who shall apply to him for that purpose, or for whose support or maintenance the laws authorize him to provide. The officers in charge of said department may receive and provide for, or confine any insane, or blind or

Account to be kept.

Balance, how paid.

Punishment for refusing to labor.

Who to be committed to department for punishment.

Paupers admitted to alms house.

Provision for blind, insane, &c.

Expenses.

idiotic person, or any male under sixteen, or female under fourteen years of age, who shall be brought to them by the director of the poor, or other proper officer of any township in this State, or by the parent, guardian, or friend of any such person: *Provided*, That such officer, parent, guardian or friend, shall give ample and satisfactory security for the payment, at least once a month, of all expenses that may be incurred on account of the person so received: *And provided further*, That nothing herein contained shall be so construed as to make any person who may be brought to said department for confinement or maintenance, a citizen of Detroit.

Chief officer  
may bind  
out, &c.

Sec. 36. The chief officer of said department shall have full power to indenture and bind out as apprentices, during their minority, any minor children who may be under their care and control by reason of the provisions of this act, or any of the laws of this State, in the forms and with the provisions now prescribed by law: *Provided*, That such child shall have been under the care and control of said department for at least three months, and he shall have the same power that is possessed by parents or guardians to cancel such indenture.

Proviso.

May trans-  
fer persons  
from one  
branch to  
another.

Sec. 37. The officers in charge of said department shall have power to transfer any person committed to their care from any one branch to any other branch of said department. It shall be lawful for said officers, and they shall have full power in relation to all persons committed as vagrants, by reason of their being persons who shall have contracted an infectious or other disease, in the practice of drunkenness or debauchery, requiring medical aid, to restore them to health; after the same shall have been, under medical treatment, sufficiently cured to be discharged, or to work or labor, in their discretion, to detain such person or persons, and commit them to the work-house branch of said department, until from the proceeds of their work and labor, there shall have been received by said officers, beyond the charge of their support while in said work-house, a sum sufficient to reimburse all the expenses of their charge and care while under medical treatment as aforesaid: *Provided*, That under this section no person shall be so detained in said work-house for a longer period than six months.

Persons re-  
ceiving med-  
ical aid, &c.

By-laws, &amp;c.

Sec. 38. The common council shall make all by-laws, ordinances, rules and regulations, necessary to carry into effect the provisions of this

act, and shall have full power to change, amend, alter, repeal or annul such ordinances, by-laws, rules and regulations, from time to time, as they, in their discretion, shall deem requisite.

Sec. 39. The common council shall, by committees by them for that purpose duly appointed, visit and inspect said department and all its branches thereof, at least twice each year, and it shall be made the duty of some city officer to visit and inspect every branch of said department once in each week, who shall report to said committee anything which in his opinion shall require the attention of said committee; whereupon it shall be the duty of said committee to visit said department, and correct the evil, if in their power, or to report the same to the common council for its action.

Sec. 40. That hereafter the office of "city auditor" shall be called "city comptroller," and such officer shall perform such duties as the common council shall prescribe by ordinance, in addition to those now required to be performed by law. It shall be competent for the city comptroller, in the discharge of his duties, whenever he shall deem it necessary or advisable, to administer oaths, and to examine all parties, claimants and witnesses, in reference to all claims and demands preferred against the corporation of Detroit, or said common council; and any person who shall wilfully swear falsely in regard to any such matter or claim, shall be deemed guilty of perjury, and shall be punished as in other cases of perjury by the laws of this State. His term of office (on the expiration of the appointment of the present incumbent,) shall be reduced to two years, and he shall be subject to removal from office by a majority of all the members elected of said common council.

Sec. 41. That section second of the act entitled "an act to amend the charter of the city of Detroit," of the twenty-second of February, A. D. one thousand eight hundred and forty-eight, be amended by adding to the end of said section the following words: "But it shall not be necessary to place on said list the name of any person who is exempted by law from serving as a juror," so that said section, when amended, shall read as follows: "Sec. 2. The common council may at any time, not oftener than once a year, direct the assessors of the several wards or districts, to select from their respective assessment rolls, as last prepared, a list of the names of two hundred persons, who are legally qualified voters and residents of the city of Detroit, and return the same to the common council, to

serve as jurors in all cases required as aforesaid, which said returns shall be signed by the said assessors respectively, and filed with the city clerk; but it shall not be necessary to place on said list of jurors the name of any person who is exempted by law from serving as a juror." And the fourth section of said act is hereby amended by adding thereto the following words: "and such jury shall attend the session of said court to which they shall be summoned, until discharged by the court, and they shall be competent to try all issues and cases pending in said court, which may be submitted to them," so that said section, when amended, shall

Section 4  
amended.

read as follows: "Whenever a jury shall be required at a sitting of the mayor's court, the city attorney shall notify the city clerk of the same, who shall forthwith, in the presence of the presiding officer of the court and the marshal, proceed to draw from said jury box, the names of twelve persons who shall serve as such jurors; and the clerk shall immediately make out a venire facias, commanding the city marshal or any city constable, to summon the parties so drawn to attend the session of said court, and not depart the same until discharged, under such penalty, not exceeding ten dollars, as the court may impose; and in case of default in the attendance of such jurors, or in case the number in attendance be reduced by challenge, (the right to which is hereby extended to the parties, as in circuit courts,) the said mayor's court shall have the power to direct the summoning of talesmen, who shall be subject, in case of default, to the penalty in this section provided; and such jury shall attend the session of said court to which they shall be summoned, until discharged by the court, and they shall be competent to try all issues and cases pending in said court, which may be submitted to them."

Drawing of  
jury.

Summoning  
of jury.

Penalty.

Talesmen.

Duty of  
marshal and  
clerk in re-  
ference to  
fines.

Sec. 42. That it shall be the duty of said city marshal, and his assistants if he has any, to pay into the hands of the city clerk, immediately on receipt of the same, all fines, penalties and costs imposed by said mayor's court, who shall forthwith pay over said fines and penalties to the city treasurer, and to pay the costs to the officers entitled thereto; and said clerk shall make quarterly reports to said common council, of all the cases disposed of in said court, stating the several fines and penalties imposed; the manner in which the same may have been satisfied, and the sums which he may from time to time have paid to said treasurer as aforesaid.

Sec. 43. That said common council, in addition to the powers with which it is already vested, shall have full power and authority to make by-laws and ordinances to restrain swine, sheep, horses, asses, mules, goats, neat cattle and geese, from going at large within the limits of said city, and to provide and maintain one or more sufficient pounds, in which they may be restrained, and to appoint one or more pound masters; to prescribe their duties and compensation, and the notice to be given, and the final disposition to be made of the property so impounded; and said common council may also, by by-laws and ordinances, restrain dogs from running at large in said city, and may also, when they deem it expedient, direct such dogs to be killed; and said common council may also make by-laws and ordinances relative to the carrying, keeping and storing of gunpowder within the limits of said city.

Sec. 44. It shall be competent for said common council, from time to time, as they may deem it expedient or necessary, to exact new and additional bonds from any city or corporation officer, whether elected or appointed under said city charter or this act, and in such sum or sums as said council shall prescribe; and in the event of any such officer failing to give such security, his office may be declared vacant, and said common council may proceed to fill such vacancy for the residue of his term.

Sec. 45. That all city officers shall be subject to be removed from office by a vote of the majority of all the members elected of the said common council, for such cause as they may deem sufficient. All vacancies shall be filled by said common council for the residue of the unexpired term of office.

Sec. 46. That all laws and parts of laws which may contravene any of the provisions of this act, be and the same are hereby repealed.

Sec. 47. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 95. ]

AN ACT to amend certain sections of an act entitled "An act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February 14, 1853.

SECTION 1. *The People of the State of Michigan enact, That sec-*

*Certain sections of act of not Sec. 16 of 1893 amended.* Sections fourteen, fifteen, sixteen, eighteen, nineteen, twenty, twenty-two and eighty-nine of said act, are hereby amended so as to read as follows, to wit:

*Statement to be made to supervisor.* "Sec. 14. Every person of full age and sound mind, and every firm, body politic or corporate, shall, when called upon as hereinafter provided, forthwith make a full and true statement in writing, to the supervisor of the township in which he or she resides, in which shall be distinctly and truly set forth a correct description of all the real estate and personal property not by this act exempt from taxation, and not by the laws of this State subject to a specific tax, of which he or she is the owner or the holder as guardian, parent, husband or trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; and also all moneys and credits owned or held, as aforesaid.

*Particulars of statement required.* Sec. 15. Every person required by this act to make or deliver such statement, shall set forth an account of the property held or owned by him or them, as follows:

1. An accurate description of each parcel of land, with the number of acres, and the number of acres improved, and the number and kinds of buildings thereon;
2. The number of neat cattle six months old;
3. The number of horses over six months old;
4. The number of sheep over six months old;
5. The number of hogs over six months old;
6. Every wagon and carriage;
7. Every gold or silver watch;
8. The number of bushels of grain, and the quantity of all other farm produce in the possession of the producer;
9. All merchandise not included in the 8th sub-division of this section;
10. Every musical instrument of the value of twenty-five dollars and upwards;
11. All moneys and all credits;
12. All other personal property held or owned by him;
13. The amount of moneys upon which he pays interest, providing he desires to have the same deducted from his moneys and credits;
14. The amount of all other bona fide indebtedness: *Provided, He* desires to have the same deducted from his moneys and credits.



Sec. 16. Such statement the supervisor may, in his discretion, require to be subscribed by the person making the same; and it shall further mention who is the owner of the property so described, and whether the same is held by him, the maker of such statement, individually, or in his own right, or whether held for any other person, and if held for any other person, then state for whom, in what capacity, or on what account so held, giving the name of the person for whom he holds.

May be required to subscribe statement.  
To state who is the owner, &c.

Sec. 18. It shall be the duty of each supervisor, on or before the second Monday in May, to call upon each taxable person in his township, at their residence, boarding place, or usual place of business, at which time he shall furnish each taxable person a blank form for the statements required by the fifteenth section of this act; and thereupon said taxable person shall forthwith make and deliver to said supervisor a full and true statement of the taxable property in his possession, according to the provisions of this act; and immediately thereafter the said supervisor shall proceed to examine said property, and estimate and set down the true value thereof, deducting from the moneys at interest and other credits of such person the amount of money upon which he or she pays interest, together with his other bona fide indebtedness, as set forth in said statement.

Supervisors to furnish blank statements.

To examine and value property, &c.

Sec. 19. In every case where any person shall neglect or refuse to make out and deliver a statement of his real and personal property, moneys and credits, or to exhibit the same to the supervisor, as required by this act, it shall be the duty of said supervisor, and he is hereby authorized to examine on oath the person so refusing, and any other person or persons who he may have good reason to believe, and does believe, has knowledge of the amount or value of any property, money or credits owned or held by such person so refusing; and said supervisor shall assess any property, money or credits, owned or held by such person so refusing, at its true cash value: *Provided*, That if any person shall neglect or refuse to make such statement, or in case any person owning any taxable property in this State, or any money loaned in this State, shall be absent from the township, or cannot be found therein by the supervisor of such township, during the time the assessment roll is required by law to be made, leaving no agent known to such supervisor to make the required statement, such supervisor is

Duty of supervisor in case any person refuses to make statement.

When supervisor may fix the amount.

hereby authorized to set down and assess to such person any amount of personal property he may deem just and proper, subject to reduction on review, upon oath of the party in interest, his agent or attorney.

**Duty of supervisor in reviewing assessment.**

Sec. 20. On the Saturday next preceding the second Monday in May, it shall be the duty of the supervisors of the several townships to be present at their respective offices from eight o'clock in the forenoon until twelve, noon, and from one to five o'clock in the afternoon, for the purpose of reviewing their assessments; and on the request of any person considering himself aggrieved, on sufficient cause being shown to the satisfaction of the supervisor, he may alter the same as to the valuation thereof.

**Auditor General to transmit blanks to treasurers.**

**Treasurers to supply supervisors. Auditor General to furnish copies of act to supervisors and assessors.**

Sec. 22. For the purposes mentioned in the preceding sections of this act, the Auditor General shall, before the first Monday in March in each year, prepare and transmit suitable blanks to the several county treasurers, who shall, before the first Monday in April, supply all the supervisors in their several counties with the same. The Auditor General is authorized and instructed to furnish, at the expense of the State, to each supervisor and assessor in the several townships and cities in this State a copy of this law, at the earliest day practicable.

**When Auditor Gen'l to execute deed, &c.**

**Effect of deed as evidence.**

Sec. 89. On the presentation of such certificate of sale to the Auditor General, after the expiration of the time provided by law for the redemption of lands sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a deed of the land therein described, unless he shall have discovered that the same was improperly sold; which deed shall be prima facie evidence of the regularity of all the proceedings from the valuation of the land by the assessors, to the date of the deed inclusive, and of title in the purchaser."

Sec. 2. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 96. ]

AN ACT to organize the township of Kimball, in St. Clair county.

**Kimball township organized.**

SECTION 1. *The People of the State of Michigan enact, That all that part of St. Clair county, known as township six north, of range sixteen east, be and the same is hereby organized into a separate town-*

ship by the name of Kimball, and the first township meeting shall be held at the school house nearest to the dwelling house of John S. Kimball, in said township.

Sec. 2. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 97. ]

AN ACT making an appropriation to aid the Michigan State Agricultural Society.

SECTION 1. *The People of the State of Michigan enact*, That there be, and is hereby appropriated out of the Treasury of this State, <sup>Appropriation for 1855 and 1856.</sup> the sum of two thousand dollars each year, for the years eighteen hundred and fifty-five, and eighteen hundred and fifty-six, to the Michigan State Agricultural Society, for the payment of premiums, to be paid by the State Treasurer to the Treasurer of said Society, on the warrant of the Auditor General: *Provided*, That the Treasury [Treasurer] of said Society shall, on or before the 15th day of October in each year, make, <sup>Provide.</sup> subscribe and deposit with the Auditor General, his affidavit, that said Society has raised for the year a like sum of two thousand dollars, by voluntary subscriptions and fees of membership.

Approved February 12, 1855.

[ No. 98. ]

AN ACT to attach the counties of Isabella and Gladwin to the county of Midland for judicial and municipal purposes.

SECTION 1. *The People of the State of Michigan enact*, That the <sup>Counties attached to Midland.</sup> counties of Isabella and Gladwin be and the same are hereby attached to the county of Midland for judicial and municipal purposes.

Sec. 2. All acts or parts of acts contravening the provisions of this <sup>Acts repealed.</sup> act be and the same are hereby repealed.

Sec. 3. This act shall take effect immediately.

Approved February 12, 1855.

## [ No. 99. ]

AN ACT to change the name of the township of Newaygo.

SECTION 1. *The People of the State of Michigan enact, That the name of the township of Newaygo, in the county of Newaygo, is hereby changed to Croton.*

Approved February 12, 1855.

## [ No. 100. ]

AN ACT to amend an act entitled "an act to provide for the government of the State University, and to repeal chapter fifty-seven of the Revised Statutes of eighteen hundred and forty-six," approved April eighth, eighteen hundred and fifty-one.

Sec. 3 of act  
No. 131 of  
1851 amend-  
ed.

SECTION 1. *The People of the State of Michigan enact, That an act to amend an act entitled an act to provide for the government of the State University, and to repeal chapter fifty-seven of the revised statutes of eighteen hundred and forty-six, approved April eighth, eighteen hundred and fifty-one, be and the same is hereby amended, as follows; at the end of the fifth section add the words following: "Provided, That there shall always be at least one Professor of Homœopathy in the department of Medicine," so that the said section when amended shall read as follows: "The Regents shall have power to enact ordinances, by-laws and regulations for the government of the University; to elect a President; to fix, increase and reduce the regular number of professors and tutors, and to appoint the same, and to determine the amount of their salaries: Provided, That there shall always be at least one Professor of Homœopathy in the department of medicine."*

Section as  
amended.

Professor of  
homœopa-  
thy.

Approved February 12, 1855.

## [ No. 101. ]

AN ACT to provide for the disposal of the unexpended balance of the Grand Rapids Canal Lands.

SECTION 1. *The People of the State of Michigan enact, That Timothy E. Wetmore, of the county of Kent; Rufus R. Cook, of the county of Ionia; and Stephen Rossman, of the county of Montcalm,*

Commis-  
sioners ap-  
pointed.

be appointed commissioners to superintend and control the improvement of the navigation of the Grand River, at Grand Rapids; said commissioners, before entering upon the duties of their offices, shall execute a bond with sufficient sureties, to be approved by the board of supervisors of the county of Kent, in the penal sum of six thousand dollars, conditioned for the faithful discharge of their duty as such commissioners. <sup>To give bond.</sup>

Sec. 2. The said commissioners are authorized and required to employ a competent engineer to determine the proper mode of making the improvement hereinafter designated; and said engineer shall supervise and direct the said improvement under the control of the aforesaid commissioners. <sup>To employ an engineer.</sup>

Sec. 3. The said commissioners shall first cause a survey to be made of the rapids of Grand River, to determine the best mode of removing the obstacles thereby created to the navigation of said river, in the transportation of rafts of lumber, and the floatage of logs therein, at the said rapids; and such profiles, plans and specifications to be prepared, as shall enable them to let a contract or contracts, for the improvement of the said navigation. <sup>Survey to be made, &c. Profiles, plans, &c.</sup>

Sec. 4. The said commissioners shall have power to make necessary repairs on the dam now standing on the rapids, or to construct a new dam at the point designated by the board of supervisors of the county of Kent; and should they determine to erect such new dam, they shall cause to be repaired, raised and strengthened, the embankment (above the guard-locks,) on the east side of the canal, now constructed on the east side of the said Grand River, so as to secure the same against breakage or overflow in times of high water. <sup>To repair dam or build new dam. Repair embankment.</sup>

Sec. 5. The commissioners having caused the requisite survey, drafts and specifications for the said improvement, in the mode hereinbefore set forth to be made, shall advertise three successive weeks in a newspaper to be published at Grand Rapids, and also in one newspaper published at Detroit, for proposals for the making of the said improvement according to the said plan and specifications, and the instructions in this act contained, and may let such contract to the person or persons offering to make such improvement for the lowest price: *Provided*, That such commissioners shall have power, if they deem it expedient, to divide the proposed improvement into jobs, and to let the same separate- <sup>To advertise for proposals. To let contracts.</sup>

Require security.

ly; and they may determine the time within which the contract for the whole improvement or the contracts for the separate jobs shall be executed; and the commissioners shall require good and sufficient security for the performance of such contract or contracts.

Power of commissioners relative to unexpended balance of canal lands.

Sec. 6. The said commissioners shall have power, for the purpose of effecting the improvement aforesaid, in the whole or by parts, to expend the now unexpended balance of the appropriation of twenty-five thousand acres of internal improvement lands, made hitherto, for the construction of a canal and locks around the aforesaid rapids of Grand River, or such part thereof as may be necessary to effect the aforesaid improvement.

When contracts completed certificates to be given.

Sec. 7. Whenever the engineer employed by the said commissioners shall certify to them the execution of the contract for the aforesaid improvement, or of the contracts for parts of said improvement, according to the plans and specifications therefor, and the said commissioners shall be satisfied that such contract or contracts have been executed and fulfilled, they shall deliver to the contractor or contractors a certificate to that effect: and in said certificate they shall describe, by government sub-divisions, the lands to which the said contractor or contractors may be entitled.

Duty of Commissioner of State Land Office.

Sec. 8. The Commissioner of the State Land Office is hereby authorized and directed, upon the presentation of the certificate in the last section described, to issue to the said contractor or contractors, or his or their order, certificates, in the form described by said land office, for the lands described in the aforesaid certificates made by the commissioners appointed to superintend the aforesaid improvement.

And.

Sec. 9. The Commissioner of the State Land Office is hereby authorized and directed to allow James D. Turk, or his heirs, to purchase the south half of the northeast quarter of section twenty-seven, in town ten north, of range nine west, (the same being internal improvement lands, selected therefrom under the original appropriation in the sixth section of this act mentioned,) at the rate of one dollar and twenty-five cents per acre thereof; and the said Commissioner of the State Land Office shall pay over to the said commissioners appointed to superintend the aforesaid improvement the money for the said parcel of land received, to be by the said last mentioned commissioners expended in and upon the said improvement.

Sec. 10. The Commissioner of the State Land Office is <sup>Monday next</sup> ~~thorized~~ and directed to allow William Hunter, Christopher K<sup>to</sup> qualify Henry Gilkmore, George Bush, James Hughes and Benjamin Powers <sup>terms</sup> purchase the following described parcels of the aforesaid lands, to-wit: <sup>ed</sup> The north-west quarter of the south-west quarter of section eleven; the west half of the north-west quarter of section ten; the west half of the south-west quarter of section three; the east half of the south west quarter of section three; the east half of the south-east quarter of section three; the west half of the south-east quarter of section three; and the north-east quarter of the north-west quarter of section eleven, in town twelve north, of range eleven west, at the rate of one dollar and twenty-five cents for each acre thereof, upon evidence by each of said persons of such settlement on, and improvement of, the parcel of said lands claimed by him separately, as would sustain a pre-emption claim under the laws of the United States.

Sec. 11. The compensation of the commissioners appointed to su- <sup>Compensa-</sup> perintend the said improvement, and of the engineer by them em- <sup>tion of com-</sup> ployed, shall be three dollars per day for each, during the time actually <sup>missioners and</sup> and necessarily employed in the discharge of their respective duties, and the amount due to each to be audited and declared by the board of su- <sup>engineer.</sup> pervisors of the county of Kent, and to be paid upon such auditing and declaration, by the treasurer of the county of Kent.

Sec. 12. The said commissioners are hereby authorized to revoke <sup>May revoke</sup> any appointment they may make under this act, and to fill any vacancy <sup>appt. continu'd</sup> that may occur therein. <sup>&c.</sup>

Sec. 13. All acts and parts of acts inconsistent with the provisions <sup>Acts re-</sup> of this act are hereby repealed; and the joint resolution relative to the <sup>pealed.</sup> appropriation of twenty-five thousand acres of land to build a canal around the rapids of Grand River at Grand Rapids, approved February 25, 1851, is hereby rescinded.

Sec. 14. This act shall take effect immediately.

Approved February 12, 1855.

[No. 102.]

entitled "an act relative to plank roads," and an act amendatory thereto, approved and two new sections thereto.

*the State of Michigan enact, That* to plank roads, approved March third and forty-eight, and an act amend-  
by ninth, one thousand eight hundred

by adding thereto two new sections to stand as sections thirty-first and thirty-second:

"Sec. 31. All companies that have been or may be hereafter organized, subject to the provisions of this act, instead of the eight feet in width of plank road required by section sixteen of this act, may construct all or any portion of said road, of gravel instead of plank, and may substitute gravel instead of plank where plank is now used, or of stone so broken as to subserve the purposes of gravel: *Provided*, That said gravel portion of said road shall in all cases be not less than nine feet in width, and the gravel of which the same is constructed be not less than ten inches deep, which shall be properly screened: *And provided*, Said companies shall be subject to all the provisions and penalties in regard to keeping said gravel road in repair, as are provided for in said act in relation to plank roads."

Sec. 2. This act shall take effect immediately.

Approved February 12, 1855.

[No. 103.]

AN ACT to authorize the holding of a special election in Cheboygan.

SECTION 1. *The People of the State of Michigan enact, That* there shall be held, on the first Tuesday in May next, in the county of Cheboygan, an election for county officers, at which shall be elected all such officers as shall be necessary to fill up the official organization of said county.

Sec. 2. Said election shall be conducted, in all respects, according to the provisions of the act to organize the county of Cheboygan, and the laws regulating general and special elections, so far as the same are applicable.

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Election of  
county off-  
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Sec. 3. The canvass under this act shall be held on the Monday next <sup>Canvass</sup> following said election; the officers elected shall immediately qualify and enter upon the duties of their several offices, and their several terms of office shall expire at the same time they would have expired, had they been elected at the last general election.

Sec. 4. This act shall take immediate effect.

Approved February 12, 1855.

[ No. 104. ]

AN ACT to apportion anew the representatives among the several counties and districts of this State.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Ratio of representation.</sup> the House of Representatives shall hereafter be composed of members elected agreeably to a ratio of one representative for every seven thousand white persons and civilized persons of Indian descent, not members of any tribe, in each organized county, and one representative for a fraction equal to a moiety of said ratio, and not included therein, that <sup>Specifications.</sup> is to say: within the county of Wayne, nine; within the county of Oakland, five; within the counties of Washtenaw and Lenawee, four each; within the counties of Calhoun, Hillsdale, Kent, Macomb, Monroe and Jackson, three each; within the counties of Berrien, Branch, Cass, Eaton, Genesee, Ingham, Ionia, Kalamazoo, Livingston, St. Clair and St. Joseph, two each; within the counties of Allegan, Barry, Lapeer, Ottawa, Shiawassee, Van Buren, Tuscola, Mackinac and Manistee, one each; the counties of Clinton and Gratiot shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Clinton; the counties of Sanilac and Huron shall compose a representative district and be entitled to one representative, the election returns of which district shall be made to the county seat of Sanilac; the counties of Midland, Arenac, Iosco and Gladwin, shall constitute a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of the county of Midland; the counties of Montcalm, Isabella, Osceola, [Mecosta] and Clare, shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of

<sup>Wayne Co. 9.  
Oakland 5.  
Washtenaw and Lenawee each 4.  
Certain Co.'s 3 each.  
Certain Co.'s 3 each.  
Certain Co.'s 1 each.</sup>  
<sup>Clinton and Gratiot, 1.</sup>  
<sup>Sanilac and Huron, 1.</sup>  
<sup>Midland, Arenac, Iosco and Gladwin, 1.</sup>  
<sup>Montcalm, Isabella, Mecosta, Osceola and Clare, 1.</sup>

Newaygo,  
Oceana,  
Lake and  
Macou, 1.

Manistee,  
Grand Traver-  
se, and  
others, 1.

Chippewa,  
Marquette,  
Schoolcraft  
and Delta, 1.

Houghton &  
Ontonagon,  
1.

Montcalm; the counties of Newaygo, Oceana, Lake and Macou, shall compose a representative district and be entitled to one representative, the election returns of which shall be made to the county seat of Newaygo; the counties of Manistee, Grand Traverse, Wexford, Missaukee, Roscommon, Ogemaw, Algoma, Osceola, Crawford, Kalamazoo, Leelanaw, Antrim, Otsego, Montmorency, Alpena, Presque Isle, Wyandott, Charlevoix, Emmet and Cheboygan, shall compose a representative district and be entitled to one representative, and the election returns thereof shall be made to the county seat of Grand Traverse; the counties of Chippewa, Marquette, Schoolcraft and Delta, shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Chippewa; the counties of Houghton and Ontonagon shall compose a representative district and be entitled to one representative, the election returns of which said district shall be made to the county seat of Houghton.

Approved February 12, 1855.

[ No. 105. ]

AN ACT relative to the disposition of the Surplus Funds in the State Treasury.

Treasurer  
to purchase  
State bonds.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer be and he is hereby authorized and instructed to purchase on behalf of the State, out of any moneys in the State Treasury not otherwise appropriated or required to meet the ordinary and current expenses and disbursements already provided for by law, so much of the present outstanding indebtedness of the State, as he may be enabled to do, and at such rates as he may deem for the best interests of the State, not exceeding however, the current market rates of said bonds or indebtedness.

Holders of  
certain  
bonds to  
present  
them in six  
months.

Sec. 2. All holders of that class of State bonds for which new bonds are directed to be issued, by section eight of act numbered 176 of the session laws for the year 1848, entitled "an act to provide for the funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds," are hereby required, within six months from and after the pas-

sage of this act, to present any bonds of this State held by them, at the State Treasurer's Office, for the purpose of having the amount due thereon accurately ascertained, and new bonds issued therefor according to the provisions of said act; and in case they fail so to present said bonds within the time herein prescribed, no interest shall be allowed on said bonds, to the holder or holders thereof after that time, so that the same may not be in any manner incorporated into said new bond so to be issued, as a part of the principal sum thereof; and the State Treasurer is hereby authorized to give all reasonable and proper notice of the provisions of this act, so as best to secure the object hereby contemplated.

If not presented, interest to cease.

Notice, &c.

Sec. 3. The State Treasurer is hereby further instructed to require of any bank, before he shall have made it a depository of surplus funds belonging to the State, good and ample security to be approved by the said State Treasurer, the Auditor General and the Secretary of State, for the safe keeping and reimbursement of such surplus funds whenever called for, and the payment of interest thereon at the rate of not less than five per cent. per annum.

To require security of banks before depositing, &c.

Interest, &c.

Sec. 4. Nothing herein contained shall be held or considered as in any manner changing or affecting the liability of the State Treasurer or his bail, or his or their bond to the State.

Liability of Treasurer, and bail, not to be affected.

Sec. 5. An act entitled "an act relative to surplus funds in the State Treasury," approved February 9th, 1853, and an act entitled "an act supplementary to an act entitled an act relative to surplus funds in the State Treasury, being House bill of present session number seventy-three," approved February 12, 1853, be and the same are hereby repealed.

Acts repealed.

Approved February 12, 1855.

[ No. 106. ]

AN ACT making appropriations in aid of the Michigan Asylums.

SECTION 1. *The People of the State of Michigan enact*, That the sum of one hundred thousand dollars, including any amount now in the treasury to the credit of the asylum fund, be and the same is hereby appropriated out of the general fund, and the same shall be

\$100,000 appropriated.

passed to the credit of the asylum fund, on the books of the State Treasurer, and be drawn and applied as hereinafter provided.

\$33,000 for  
deaf, dumb  
and blind,  
&c.

Sec. 2. Of the above named sum, thirty-three thousand dollars may be drawn and used by the Trustees of the Michigan Asylum, to complete the building already commenced as the asylum for the deaf and dumb and the blind, and to defray the necessary expenses of that institution for the years 1855 and 1856. The sum of sixty-seven thousand dollars may be drawn and used by the said Trustees, to complete the center building of the asylum for the insane, and so much of one of the wings thereof as the above appropriation will complete. These sums shall be payable on warrants to be drawn by the clerk and approved by the president of the board, and countersigned by the Auditor General.

\$67,000 for  
insane asy-  
lum, &c.

Now drawn.

Contracts &  
vouchers to  
be deposited  
with Aud'r  
General.

Sec. 3. The board shall deposit with the Auditor General, as far as practicable, all contracts entered into for materials, and for work and labor performed, and shall file with him as often as once in every three months, vouchers for money drawn. They shall also present, with their report to the Legislature, full and particular statements of the amounts drawn, and the uses to which the same have been applied; but on all contracts, twenty per cent. upon the estimates shall be retained until the same are completed to the satisfaction of the board.

Report to le-  
gisla-ture.

Twenty per  
cent. upon  
estimates to  
be retained,  
&c.

Salaries of  
the prin-ci-  
pals, &c.

Sec. 4. The Trustees shall have power to increase the salaries of the principals of the asylums, whenever, in their opinion, the interests of those institutions shall demand it, beyond the limitation fixed by the act of April 3d, 1848: *Provided*, The salary of each of such principals shall not exceed eighteen hundred dollars per annum. They shall also have power to fix salaries of the subordinate officers: *Provided*, The amounts so paid shall not exceed such reasonable compensation as is paid for the like services in similar institutions.

Salaries of  
subordinate  
officers.

Duty of Au-  
ditor Gen'l  
relative to  
apportion-  
ment of tax  
for 1855 and  
1856.

Sec. 5. The Auditor General shall, in the years eighteen hundred and fifty-five and eighteen hundred and fifty-six, at the same time other State taxes are apportioned by him among the several counties, apportion among the several counties, in proportion to the valuation as equalized by the State Board of Equalization, the sum of fifteen thousand dollars for the year eighteen hundred fifty-five, and the sum of fifteen thousand dollars for the year eighteen hundred fifty-six, which several

amounts, when apportioned, shall be collected and returned as other State taxes are required to be by law.

Sec. 6. Section seven of an act entitled "an act to establish an asylum for the deaf and dumb and the blind, and also an asylum for the insane of the State of Michigan," approved April 3d, 1848, shall be so amended as to read as follows: "Sec. 7. Tuition and board shall be free to all candidates from this State, but the trustees may admit applicants from any other State, and may fix the compensation to be paid by the parents or guardians of such applicants: *Provided*, The same shall be sufficient to cover all their necessary expenses."

Sec. 7 of act No. 187 of 1848 amended.

Section as amended. Candidates from other States.

This act shall take effect immediately.

Approved February 12, 1855.

[ No. 107. ]

AN ACT in relation to Insurance Companies and Insurance Agents.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person or persons to act within this State as agent or otherwise, in procuring or receiving applications for insurance, or in any manner to aid in transacting the business of fire, marine, life, or health insurance, for any company or association, incorporated by, or organized under the laws of any other State or country, or for any company or association located out of the jurisdiction of this State, unless such company or association shall, previous to its issuing any policy of insurance, or transacting any insurance business, appoint an agent or attorney in this State, on whom process of law can be served; and such agent or attorney shall file with the county clerk of the county where he resides, a certified copy of the charter of any and all companies for which he shall have been appointed agent or attorney, and also a certified copy of the vote or resolution of the trustees or directors of such company or companies appointing him such agent or attorney, which appointment shall be in writing, under the official seal of the company, and signed by the president and secretary, which appointment shall be filed with said county clerk, and shall continue until another agent or attorney shall be substituted, and shall authorize process of law to be served on said agent or attorney, for all liabilities of

Agents prohibited from acting without complying with certain conditions.

Copy of charter and appointment to be filed with Co. clerk.

To authorize process to be served on agent.

hereby authorized to set down and assess to such person any amount of personal property he may deem just and proper, subject to reduction on review, upon oath of the party in interest, his agent or attorney.

*Duty of supervisor in reviewing assessment.*

Sec. 20. On the Saturday next preceding the second Monday in May, it shall be the duty of the supervisors of the several townships to be present at their respective offices from eight o'clock in the forenoon until twelve, noon, and from one to five o'clock in the afternoon, for the purpose of reviewing their assessments; and on the request of any person considering himself aggrieved, on sufficient cause being shown to the satisfaction of the supervisor, he may alter the same as to the valuation thereof.

*Auditor General to transmit blanks to treasurers.*

*Treasurers to supply supervisors. Auditor General to furnish copies of act to supervisors and assessors.*

*When Auditor Gen'l to execute deed, &c.*

*Effect of deed as evidence.*

Sec. 22. For the purposes mentioned in the preceding sections of this act, the Auditor General shall, before the first Monday in March in each year, prepare and transmit suitable blanks to the several county treasurers, who shall, before the first Monday in April, supply all the supervisors in their several counties with the same. The Auditor General is authorized and instructed to furnish, at the expense of the State, to each supervisor and assessor in the several townships and cities in this State a copy of this law, at the earliest day practicable.

Sec. 29. On the presentation of such certificate of sale to the Auditor General, after the expiration of the time provided by law for the redemption of lands sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a deed of the land therein described, unless he shall have discovered that the same was improperly sold; which deed shall be prima facie evidence of the regularity of all the proceedings from the valuation of the land by the assessors, to the date of the deed inclusive, and of title in the purchaser."

Sec. 2. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 96. ]

AN ACT to organize the township of Kimball, in St. Clair county.

*Kimball township organized.*

SECTION 1. *The People of the State of Michigan enact, That all that part of St. Clair county, known as township six north, of range sixteen east, be and the same is hereby organised into a separate town-*

ship by the name of Kimball, and the first township meeting shall be held at the school house nearest to the dwelling house of John S. Kimball, in said township.

Sec. 2. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 97. ]

AN ACT making an appropriation to aid the Michigan State Agricultural Society.

SECTION 1. *The People of the State of Michigan enact, That* there be, and is hereby appropriated out of the Treasury of this State, <sup>Appropriation for 1855 and 1856.</sup> the sum of two thousand dollars each year, for the years eighteen hundred and fifty-five, and eighteen hundred and fifty-six, to the Michigan State Agricultural Society, for the payment of premiums, to be paid by the State Treasurer to the Treasurer of said Society, on the warrant of the Auditor General: *Provided, That* the Treasury [Treasurer] of said <sup>Province.</sup> Society shall, on or before the 15th day of October in each year, make, subscribe and deposit with the Auditor General, his affidavit, that said Society has raised for the year a like sum of two thousand dollars, by voluntary subscriptions and fees of membership.

Approved February 12, 1855.

[ No. 98. ]

AN ACT to attach the counties of Isabella and Gladwin to the county of Midland for judicial and municipal purposes.

SECTION 1. *The People of the State of Michigan enact, That* the counties of Isabella and Gladwin be and the same are hereby attached <sup>Counties attached to Midland.</sup> to the county of Midland for judicial and municipal purposes.

Sec. 2. All acts or parts of acts contravening the provisions of this act be and the same are hereby repealed. <sup>Acts repealed.</sup>

Sec. 3. This act shall take effect immediately.

Approved February 12, 1855.

ly; and they may determine the time within which the contract for the whole improvement or the contracts for the separate jobs shall be executed; and the commissioners shall require good and sufficient security for the performance of such contract or contracts.

Require security.

Power of commissioners relative to unexpended balance of canal lands.

Sec. 6. The said commissioners shall have power, for the purpose of effecting the improvement aforesaid, in the whole or by parts, to expend the now unexpended balance of the appropriation of twenty-five thousand acres of internal improvement lands, made hitherto, for the construction of a canal and locks around the aforesaid rapids of Grand River, or such part thereof as may be necessary to effect the aforesaid improvement.

When contracts completed certificates to be given.

Sec. 7. Whenever the engineer employed by the said commissioners shall certify to them the execution of the contract for the aforesaid improvement, or of the contracts for parts of said improvement, according to the plans and specifications therefor, and the said commissioners shall be satisfied that such contract or contracts have been executed and fulfilled, they shall deliver to the contractor or contractors a certificate to that effect: and in said certificate they shall describe, by government sub-divisions, the lands to which the said contractor or contractors may be entitled.

Duty of Commissioner of State Land Office.

Sec. 8. The Commissioner of the State Land Office is hereby authorized and directed, upon the presentation of the certificate in the last section described, to issue to the said contractor or contractors, or his or their order, certificates, in the form described by said land office, for the lands described in the aforesaid certificates made by the commissioners appointed to superintend the aforesaid improvement.

Sec.

Sec. 9. The Commissioner of the State Land Office is hereby authorized and directed to allow James D. Turk, or his heirs, to purchase the south half of the northeast quarter of section twenty-seven, in town ten north, of range nine west, (the same being internal improvement lands, selected therefrom under the original appropriation in the sixth section of this act mentioned,) at the rate of one dollar and twenty-five cents per acre thereof; and the said Commissioner of the State Land Office shall pay over to the said commissioners appointed to superintend the aforesaid improvement the money for the said parcel of land received, to be by the said last mentioned commissioners expended in and upon the said improvement.



Sec. 10. The Commissioner of the State Land Office is hereby authorized and directed to allow William Hunter, Christopher Keffman, Henry Gilmore, George Bush, James Hughes and Benjamin Powers, to purchase the following described parcels of the aforesaid lands, to-wit: The north-west quarter of the south-west quarter of section eleven; the west half of the north-west quarter of section ten; the west half of the south-west quarter of section three; the east half of the south west quarter of section three; the east half of the south-east quarter of section three; the west half of the south-east quarter of section three; and the north-east quarter of the north-west quarter of section eleven, in town twelve north, of range eleven west, at the rate of one dollar and twenty-five cents for each acre thereof, upon evidence by each of said persons of such settlement on, and improvement of, the parcel of said lands claimed by him separately, as would sustain a pre-emption claim under the laws of the United States.

Certain persons allowed the right of pre-emption.

Sec. 11. The compensation of the commissioners appointed to superintend the said improvement, and of the engineer by them employed, shall be three dollars per day for each, during the time actually and necessarily employed in the discharge of their respective duties, and the amount due to each to be audited and declared by the board of supervisors of the county of Kent, and to be paid upon such auditing and declaration, by the treasurer of the county of Kent.

Compensation of commissioners and engineer.

Sec. 12. The said commissioners are hereby authorized to revoke any appointment they may make under this act, and to fill any vacancy that may occur therein.

May revoke appointments.

Sec. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; and the joint resolution relative to the appropriation of twenty-five thousand acres of land to build a canal around the rapids of Grand River at Grand Rapids, approved February 25, 1851, is hereby rescinded.

Acts repealed.

Sec. 14. This act shall take effect immediately.

Approved February 12, 1855.

preference to any other company, to assume the name by which it was known in its former charter: *Provided*, It perfects its organization within sixty days after dissolving and throwing up its special charter; and after perfecting its organization under the provisions of this act, it shall be entitled to all the rights, privileges and immunities therein contained.

Rights and  
Liabilities of  
such new  
corporation.

Sec. 13. All rights of creditors, and all liens upon the property of said company so dissolving its organization, shall be and hereby are preserved unimpaired; and said company shall continue to exist so far as may be necessary to enforce the same. And all debts, liabilities and duties of said company shall thenceforth attach to such new corporation, and be enforced against it to the same extent, and in the same manner, as if such debts, liabilities and duties had been originally incurred by it.

Approved February 1<sup>st</sup>, 1855.

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[ No. 110. ]

AN ACT to repeal an act to incorporate the Paw Paw Plank Road Company, approved April 3d, 1848.

Act No. 259  
of 1848 re-  
pealed.

Not to im-  
pair existing  
obligations.

SECTION 1. *The People of the State of Michigan enact*, That an act to incorporate the Paw Paw Plank Road Company, approved April 3d, 1848, be and the same is hereby repealed: *Provided*, That this act shall in no wise impair or affect any existing liability, contract or obligation of said Paw Paw Plank Road Company, or any of its officers or stockholders, to or with any person or persons or any body politic or corporate, to enforce such liability, contract or obligation by any appropriate remedy or remedies, nor the right of said company to hold and enforce the collection of any demand or obligation now held or owing to said company in good faith. But said company shall be deemed to have a continued legal existence for the purpose of the due prosecution of such remedy or remedies, and the collection of such demands and obligations, and for that purpose only.

Approved February 12, 1855.

[ No. 111. ]

AN ACT to incorporate the village of Almont.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries of village.  
 the south-east quarter of section number twenty-one, the south-west quarter of section number twenty-two, the north-west quarter of section number twenty-seven, and the north-east quarter of section number twenty-eight, in township number six north, of range number twelve east, all of said lands being and situated in the town of Almont, in the county of Lapeer, shall be and the same is hereby constituted a town corporate, by the name and title of the village of Almont. Corporate name.

Sec. 2. The officers of said village shall consist of a president, recorder, treasurer, marshal, street commissioner, attorney, six trustees, and two assessors, who shall be elected by a plurality of votes, by ballot, of the inhabitants of said village, having the qualifications of electors, under the constitution of this State; and the common council of said village are hereby authorized to appoint such other officers as may be necessary under the provisions of this act. The election of officers herein provided for, shall be held in said village, at some suitable place, on the second Monday in March, in the year eighteen hundred and fifty-five, and on the second Monday in March, in each year thereafter, at such place as may be appointed by the common council. The polls of such election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall be continued until three o'clock in the afternoon of the same day, and no longer. The name of each elector voting at such election shall be written in a poll list to be kept at such election by the common council. After the close of the polls at such election, the common council shall proceed without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president or recorder, if present, and if not, then some other members of the common council, shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess, and if two or more ballots shall be found rolled up or folded together, they shall not be estimated; and thereupon, the common council present at such election, shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate the same day or the next

Officers and their election.Time and place of election.Manner of conducting election.Canvass.

day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, and the person having the greatest number of votes shall be declared duly elected: *Provided*, If it shall happen that two or more persons shall have an equal number of votes for the same office, so that no election shall be had, a new election shall be had for such officers as shall have had such equal number of votes: *Provided also*, That at the first election, any two justices of the peace residing in said township of Almont, with the town clerk, shall form the board of election, and the clerk shall be the recorder at such election, and they shall canvass the votes and certify the result in the same manner that the common council are required to do by this act. The first election in said village shall be held in the house of Garry Goodrich, in said village.

When vote is, now election to be had.

Board of election.

Notice of election.

Sec. 3. It shall be the duty of the recorder of said village to give ten days public notice in writing, in three public places in said village, and by publishing the same for two weeks in some newspaper, (if any is published in said village,) previous to the time of holding such election, of the time and place of holding all elections, both annual and special, in said village; and every person offering to vote at such election, before he shall be permitted to vote, shall, if required by any elector of said village, take an oath complying with the constitutional qualification of an elector, as required by article seventh, section one of the constitution of this State, and as required by the laws of this State: *Provided*, That in case any person so offering to vote at such election shall have been assessed within the year last past for any poll tax, as provided for in this act; he shall if so required as above stated, further swear that he has paid or tendered the same to the proper officer; and upon taking such oath he shall forthwith be permitted to vote.

Oath of voter when challenged.

Who may administer oath.

Punishment for swearing falsely.

Sec. 4. The president or recorder of said village is hereby authorized to administer the oath to electors contemplated by the third section of this act, and any persons who shall knowingly and falsely take such oath shall be deemed guilty of perjury, and on conviction thereof shall be liable to the same fines and penalties as are provided for the punishment of that crime by the laws of this State.

Sec. 5. The president, recorder and trustees of said village shall be <sup>Body corporate.</sup> a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Almont, and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever, and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of <sup>May hold property, &c.</sup> purchasing, holding, leasing, conveying and disposing of any real or personal estate for the use and benefit of said corporation.

Sec. 6. The president, recorder, assessors, treasurer, and all officers <sup>Oath of officers.</sup> provided for in this act, shall take and subscribe the constitutional oath before the recorder, or some judge, circuit court commissioner, notary public or justice of the peace, and file the same with the recorder within two days after notice of their election or appointment, and within ten days after such election or appointment, and the recorder is hereby authorized to administer such oath.

Sec. 7. The recorder, marshal and treasurer shall severally give <sup>Certain officers to give bond.</sup> bonds to the common council in the penal sum of two thousand dollars, conditioned for the faithful performance of their duties, before entering upon the duties of their respective offices, with two or more sufficient sureties to be approved by the common council, and marshal and treasurer shall file the same in the office of the recorder, and the recorder shall file his bond with the treasurer.

Sec. 8. The president and trustees shall hold their office for two <sup>Term of office.</sup> years, and until others are elected and qualified. At the first election held after the passage of this act, six trustees shall be elected, and six ballots shall be made, three of which shall have written thereon the <sup>Classification.</sup> words "one year," and three the words "two years," and each of said trustees so elected at such election shall therefrom draw out of said box of said ballots, and shall hold his office one or two years, as shall be indicated by the ballot by him drawn, and in each year thereafter three trustees shall be annually elected.

Sec. 9. The assessors, marshal, street commissioner, attorney, treasurer, and such other officers as shall be appointed by the common council <sup>Certain officers to hold one year.</sup>

cil, shall hold their offices for one year, and until others are elected or appointed and qualified.

Common council;  
how constituted, &c.

Sec. 10. The president, recorder and trustees, when assembled together and organized, shall constitute the common council of the village of Almont, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint, and shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the members of said council, or of any officers whose attendance is required: *Provided*, No such fine shall exceed the sum of five dollars for any one offence.

Meetings,  
and fines for  
non-attendance.

Vacancy;  
how filled.

Sec. 11. In case of death, resignation, or removal of any of the officers provided for in this act, such vacancy shall be announced to the members of the common council by the president or recorder; and the said council shall thereupon convene as soon as may be, and order an election to be held to fill such vacancy, at any time within one month, and not less than one week, after such vacancy has occurred; and the same notice shall be given of such election, and the same shall be conducted in the same manner, as is provided for annual elections: *Pro-*

When common council  
may fill vacancy.

*vided however*, That the common council shall have power to fill vacancies that may occur in any of the offices, except trustees, if within three months of the annual election. Every appointment so made by them shall be by resolution, duly recorded, and a certificate of such appointment, signed by the president, shall be filed with the recorder, and the officers so appointed shall be qualified as aforesaid, and perform the duties of their respective offices.

Common council may  
remove certain officers.

Sec. 12. The common council shall have power to remove at pleasure any officers by them appointed.

By laws relative to  
streets,  
sidewalks,  
&c. may be  
made.

Sec. 13. The common council shall have power to make by-laws or ordinances relative to, and regulating the duties, powers, and fees of the marshal, treasurer, assessors, and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; relative to the manner of grading, railing, planking and paving all side walks in said village, and to

setting posts and shade trees in all streets, lanes and alleys, and public squares in said village, and protection thereof; to lay out, grade and repair all streets, lanes and alleys, and to prevent the obstruction thereof; and for the prevention and abatement of nuisances within said village.

Sec. 14. The common council shall have power to make all such by-laws as may be necessary to secure the said village and the inhabitants thereof against injuries by fire, and to prevent persons from violating the public peace; for the suppression of riots, gambling and other disorderly conduct, and for the punishment of the same; for the apprehension and punishment of all drunkards, vagrants and idle persons; and they shall have power to make all such by-laws and ordinances as to them shall seem necessary, for the safety and good government of said village and the inhabitants thereof; and to impose all fines and penalties, and forfeitures, on all persons offending against the by-laws and ordinances, made as aforesaid.

To prevent fire, riots, gambling, &c.  
To impose fines, &c.

Sec. 15. It shall be the duty of the president to preside at all meetings of the common council, and to attend at the annual election of the officers. The president shall sign all licenses and warrants issued by order of the common council, and countersign all orders drawn upon the treasurer of said village.

Duties of president

Sec. 16. The recorder shall attend all meetings of the common council, and keep an accurate and fair record of their proceedings, and in the absence of the president, to preside and perform his duties, or the common council may appoint a president *pro tempore*.

Duties of recorder.

Sec. 17. The recorder shall, within five days after the closing of the polls of any election, notify the officers respectively of their election.

Sec. 18. The recorder shall be elected and hold his office for two years, and shall be a police justice of the peace, and shall have cognizance of all matters arising under and by virtue of this act of incorporation, and the ordinances and by-laws made by the common council in virtue thereof; and may issue all summonses, warrants, executions, or other processes to enforce the same, and proper judgments thereon to render, and in like manner, and with like effect, as may be done by any other justice of the peace by the laws of this State; and all processes by him issued, shall be tested and returnable in the same manner, and returnable with the like effect, and the proceedings by them shall

Recorder to hold office two years, and to be police justice.

conform to, and be conducted in, like manner as is provided for and applicable to justices of the peace by the laws of this State.

Common council may grant cert'n licenses.

Sec. 19. The common council shall have the exclusive power and authority, within the provisions of the laws of this State, to license such persons as tavern keepers, or common victualers, as they may from time to time deem advisable and proper within said village, under such regulations and restrictions as the common council shall by public ordinance establish; and licenses provided for in this section, shall expire on the second Monday in April in each year. The common council shall have power to regulate the selling and measuring of fire wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts, for wood, hay and produce, exposed for sale in said village; to prevent and punish persons for immoderate driving or riding in any of the streets, lanes or alleys of said village; to regulate and prohibit bathing in any public waters in said village; to prevent the encumbering or obstructing the sidewalks, public grounds or squares of said village; to provide for clearing the same within the limits of said village, of all wood, filth, or other nuisances; and to regulate all grave-yards for the burial of the dead in said village.

To make rules for weighing hay and measuring wood.

Prevent immoderate driving and other irregularities.

Further powers of common council. To form fire companies, &c.

Sec. 20. The common council shall have power to establish the line upon which buildings may be erected, and beyond which buildings shall not extend; to establish and organize all such fire companies, hose and hook and ladder companies, and to provide them with the proper engines and other implements, as shall be necessary to extinguish fire, and preserve the property of the inhabitants from conflagration; to enrol and warrant so many of the inhabitants willing to accept the same, as firemen, as they shall think necessary: *Provided*, Such number shall not exceed sixty for any one company, and to provide suitable wells, cisterns, or other means for furnishing water to extinguish fires in said village.

To establish and regulate pound.

Sec. 21. The common council shall have power to establish a suitable pound, and to regulate the taking up and impounding animals, and to make such by-laws and ordinances relative to animals running at large in said village as they shall think proper; to provide such regulations as are proper to preserve the health of the inhabitants of said village, and to prevent the spread of contagious diseases.

To preserve health of village.

Sec. 22. The common council shall have power and authority to levy,



assess and collect a money tax upon all real and personal property in said village, but such money tax upon said property shall not exceed in any one year one-half of one per centum upon the valuation of said real and personal property; and said common council may also assess and collect a highway tax, in addition to the money tax aforesaid, not exceeding the rate of one day's work for every one hundred dollars valuation of such real and personal property; to levy and collect a poll tax upon every male inhabitant of said village over the age of twenty-one years, and under fifty years, not exceeding eighty cents per annum upon each person so taxed.

To assess taxes.

Sec. 23. The common council shall have power to construct all such drains in such village as they think the public good may require, and to compel the owner or occupant of land, at their own expense, to construct, make, grade, pave, plank or gravel and curb and rail, all sidewalks adjoining such lands, by ordinance, with suitable penalties, or by assessing the same upon the said land, in the same manner as is provided herein for the assessment and collection of taxes; and the common council shall have full power and authority to cause such assessments to be collected in the same manner as is by this act provided for the collection of other taxes; and the common council may, at the expense of the said corporation, construct all sidewalks across all streets, lanes and alleys, and public squares in said village.

Common council may make drains and cause sidewalks, &c., to be made, at expense of owner.

Sec. 24. The common council, from the original assessment roll, shall make a duplicate, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, and setting down in separate columns the amount of money tax, the amount of highway tax, and the amount of poll tax; which duplicate shall be signed by the president and recorder, and shall be delivered to the marshal with the warrant thereto annexed, specifying the time within which the taxes therein named shall be collected, which time shall not exceed ninety days from the date of such warrant; but such time may be extended by a renewal of the warrant, under the hand of the president and recorder, for a time not to exceed one hundred and fifty days from the date of the original warrant; and the marshal shall collect the same within the time specified in his warrant, and in such manner as the by-laws shall direct.

To make out duplicate of assessment roll, and assess taxes thereon.

Warrant of collection.

Sec. 25. The common council shall, at the expiration of each year,

**Assessment roll, when to be made, and contents thereof.** before the second Monday of April, make an assessment roll, containing a description of all the property, both real and personal, in said village,

and the name of the owner or occupant or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be so completed, they shall

**Notice when roll is completed.**

give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper, or by posting written notices in three public places in said village, stating the place where such roll is left for the inspection of all persons interested, and of the time when, and place where, they will meet to hear the objections of any person interested in the valuation so made by them; and

**When assessors to reduce valuation.**

at the time and place so appointed, the assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown on oath, to the satisfaction of the assessors, which oath the assessors are hereby authorized to administer; and if any person shall consider himself aggrieved by the final decision of the said assessors, such person shall have the right of appealing from such decision at any time within

**When common council may reduce valuation.**

ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation; and the common council may, at any time before the tax is

**Make corrections.**

collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or imperfectly described in such assessment roll.

**Taxes to be lien on premises.**

**Sec. 31.** Every assessment of any tax lawfully imposed or levied by the common council on any lands, tenements and hereditaments, or premises whatever, in said village, shall be and remain a lien on such lands, tenements, hereditaments and premises, from the time of making such assessment or imposing such tax, until paid; and the owner or occupant, or parties interested respectively in said real estate, shall be liable upon demand to pay every such assessment or tax so made or im-

**When and how property may be sold for tax.**

posed as aforesaid; and in default of the payment of such tax, or any part thereof, it shall be lawful for the marshal of said village to seize upon, remove and sell the personal property of such owner or occupant, or to sell such real estate sufficient to pay and satisfy such taxes and the charges which may accrue; and it shall be lawful for the marshal

of said village, in default of the payment of any tax imposed by the common council upon any inhabitant of said village, or any person owning any property in said village, to levy upon, seize, remove and sell the personal property of such inhabitant or person so owning such property, sufficient to pay and satisfy such tax, and the costs of such levy and sale. All sales of personal property for taxes, as herein provided, shall be made in the same manner and upon like notice as is prescribed by the laws of this State for constable sales. Notice of sale.

Sec. 32. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and perform such other services as may be required of him under and by virtue of this act, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services; and shall be entitled for and in the performance of his duties to the same privileges, and be subject to the same liabilities as constables are entitled to and subject to by the laws of this State. Marshal to be police constable, to collect taxes, serve process, &c.  
Fees.  
Rights and liabilities.

Sec. 33. The marshal shall pay over all moneys belonging to said corporation, by him received, by virtue of his office as marshal of said village, to the treasurer of said village, at such time and in such manner as the common council may direct. Marshal to pay over money to treasurer.

Sec. 34. It shall be the duty of the marshal to arrest any drunken and disorderly, brawling or riotous person or persons, or any other person whom he may find within said village disturbing the peace of the inhabitants thereof, and to take such person or persons before the recorder of said village; and the said recorder shall, thereupon, proceed to hear, try and determine the matter, upon proof, in a summary manner; and upon conviction of such person or persons, may sentence such person to pay a fine of not more than five dollars, and costs, or to be committed to imprisonment in the county jail not more than ten days, or both such fine and imprisonment, at his discretion; and may further require such person to enter into recognizance in a sum not exceeding fifty dollars, to keep the peace, and for his good behavior for six months thereafter; and the sheriff of the county of Lapeer is hereby authorized and required to receive and safely keep in jail such persons so Drunken and disorderly persons to be arrested and punished.

**Assessment roll, when to be made, and contents thereof.** before the second Monday of April, make an assessment roll, containing a description of all the property, both real and personal, in said village, and the name of the owner or occupant or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be so completed, they shall

**Notice when roll is completed.** give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper, or by posting written notices in three public places in said village, stating the place where such roll is left for the inspection of all persons interested, and of the time when, and place where, they will meet to hear the objections of any person interested in the valuation so made by them; and

**When assessors to reduce valuation.** at the time and place so appointed, the assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown on oath, to the satisfaction of the assessors, which oath the assessors are hereby authorized to administer; and if any person shall consider himself aggrieved by the final decision of the said assessors, such person shall have the right of appealing from such decision at any time within

**When common council may reduce valuation.** ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation; and the common council may, at any time before the tax is

**Make corrections.** collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or imperfectly described in such assessment roll.

**Taxes to be lien on premises.** **Sec. 31.** Every assessment of any tax lawfully imposed or levied by the common council on any lands, tenements and hereditaments, or premises whatever, in said village, shall be and remain a lien on such lands, tenements, hereditaments and premises, from the time of making such assessment or imposing such tax, until paid; and the owner or occupant, or parties interested respectively in said real estate, shall be liable upon demand to pay every such assessment or tax so made or im-

**When and how property may be sold for taxes.** posed as aforesaid; and in default of the payment of such tax, or any part thereof, it shall be lawful for the marshal of said village to seize upon, remove and sell the personal property of such owner or occupant, or to sell such real estate sufficient to pay and satisfy such taxes and the charges which may accrue; and it shall be lawful for the marshal

of said village, in default of the payment of any tax imposed by the common council upon any inhabitant of said village, or any person owning any property in said village, to levy upon, seize, remove and sell the personal property of such inhabitant or person so owning such property, sufficient to pay and satisfy such tax, and the costs of such levy and sale. All sales of personal property for taxes, as herein provided, shall be made in the same manner and upon like notice as is prescribed by the laws of this State for constable sales. Notice of sale.

Sec. 32. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and perform such other services as may be required of him under and by virtue of this act, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services; and shall be entitled for and in the performance of his duties to the same privileges, and be subject to the same liabilities as constables are entitled to and subject to by the laws of this State. Marshal to be police constable, to collect taxes, and serve process, &c. Fees. Rights and liabilities.

Sec. 33. The marshal shall pay over all moneys belonging to said corporation, by him received, by virtue of his office as marshal of said village, to the treasurer of said village, at such time and in such manner as the common council may direct. Marshal to pay over money to treasurer.

Sec. 34. It shall be the duty of the marshal to arrest any drunken and disorderly, brawling or riotous person or persons, or any other person whom he may find within said village disturbing the peace of the inhabitants thereof, and to take such person or persons before the recorder of said village; and the said recorder shall, thereupon, proceed to hear, try and determine the matter, upon proof, in a summary manner; and upon conviction of such person or persons, may sentence such person to pay a fine of not more than five dollars, and costs, or to be committed to imprisonment in the county jail not more than ten days, or both such fine and imprisonment, at his discretion; and may further require such person to enter into recognizance in a sum not exceeding fifty dollars, to keep the peace, and for his good behavior for six months thereafter; and the sheriff of the county of Lapeer is hereby authorized and required to receive and safely keep in jail such persons so Drunken and disorderly persons to be arrested and punished.

Penalty for disobedience at fire.

and any person neglecting or refusing obedience to the orders of said president, recorder or marshal, given at such fire, for the purpose of aiding in the extinguishment of such fire, and securing the property of the inhabitants from conflagration, shall forfeit and pay to the use of said village a sum not less than five nor more than ten dollars for each offence.

Taverns, &c., not to be kept without license.

Sec. 38. Any person who shall keep an inn, or tavern, or common victualers shop in said village of Almont, without being licensed therefor by the common council thereof, shall, on conviction thereof, forfeit and pay for the use of said village the sum of one hundred dollars.

Declaration in suits for forfeitures.

Sec. 39. The declaration in any suit instituted to recover any penalty or penalties, forfeiture or forfeitures, incurred as provided for in this act, may be in the following form, to wit: "The common council of the village of Almont, complains of A. B., and says that the said A. B. justly owes to the said common council the sum of.....

.....dollars, for certain penalties and forfeitures which said A. B. has incurred, and is justly entitled to pay, by reason that the said A. B. did, on the.....day of.....

....., in the year....., and at divers other times within one year last past, in the village of Almont, in the county of Lapeer, in the State of Michigan, do and commit certain acts in violation of the laws relating to the village of Almont, touching (here state the general nature of the act or acts complained of,) and therefore the said common council bring suit." And the defendant may plead thereto as follows,

Fine.

Evidence.

Judgment to be rendered.

Limitation.

to wit: "The said A. B. is not indebted to the said council, as above alleged." And under such declaration evidence may be given of any violation of the provisions of this act of incorporation, or of any by-law or ordinance made in pursuance thereof; and judgment may be rendered thereon for so many distinct violations of the provisions of said act or the said by-laws or ordinances as shall be proven: *Provided*,

No justice of the peace shall render judgment for a greater sum than one hundred dollars in any one suit; and under such plea the defendant may give any competent testimony in exculpation of such charge.

Execution to issue forthwith.

And the court before whom such suit is brought, and such judgment recorded, may forthwith issue an execution against the goods and chattels of the defendant, and for want thereof against the body of the defendant, in like manner and with like effect as similar executions may

be issued under the laws of this State: *Provided, however,* That any such defendant may, by one or more sufficient sureties, within five days, stay such judgment and execution, in the same manner and with like effect as other executions may be stayed by [the] laws of this State: *And provided, also,* That such suit, if before a justice of the peace, may be appealed to the circuit court, as in other cases.

Stay of execution.

Appeal allowed.

Sec. 40. No person or persons shall exhibit within said village any circus, menagerie, theatre or theatrical performance, or common shows, without being first duly licensed therefor by the common council, under penalty of one hundred dollars for every offence, and to be imprisoned in the county jail for thirty days, and until such penalty shall be paid or he shall be discharged by law.

No circus, theatre, or show, &c., to be exhibited without license.

Sec. 41. Any person offering to exhibit any such circus, theatre, theatrical performance, menagerie, or common shows, without such license, may be forthwith arrested by the marshal, or any constable residing in said county, and brought before any court having jurisdiction thereof, and upon conviction thereof shall be fined the sum of one hundred dollars, and stand committed to the county jail until paid, or until he be discharged according to law.

Persons offering to exhibit may be arrested, tried and punished.

Sec. 42. Any person who shall keep any gambling house, or places of resort for persons to gamble, within said village, and all persons who shall resort to any such place and gamble, or for the purpose of gambling, shall forfeit and pay for the use of said village a sum not to exceed twenty-five dollars for each and every offence.

Gambling, &c., punished.

Sec. 43. In all prosecutions, processes, and other proceedings, wherein the common council of said village shall be a party, no inhabitant or citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such inhabitant or citizen in the event of such proceedings: *Provided,* That such interest be only that which exists in common with the citizens of said village. Whenever any action or suit shall be commenced against said corporation, the same shall be commenced by summons, which shall be served by leaving a copy thereof with the recorder, at his office, or in case of his absence therefrom, at his usual place of residence, at least six days before the return day thereof; and the recorder shall thereupon immediately inform the common council thereof.

No person to be incompetent as witness or juror by reason of citizenship.

Summons against corporation, and service thereof.

How prosecutions to be commenced and conducted.

Sec. 44. In all prosecutions for fines, penalties, or forfeiture, as is provided for in this act, the first process may be by warrant or summons, and shall be served and returnable in like manner, and the same proceedings may be had, as near as may be, as other proceedings of a similar kind under the laws of this State. The recorder of said village, or any justice of the peace of the township of Almont, is hereby authorized and empowered to hear and determine all offences which shall be committed within the limits of said village, against any of the provisions of this act, or against any of the by-laws or ordinances passed by the said common council in pursuance thereof, and punish the offender or offenders, as is prescribed by this act, or by the by-laws or ordinances of the said village: *Provided*, That any person arrested for violating any of the provisions aforesaid, may demand a trial by jury.

Jury may be demanded.

Docket of recorder to be delivered to his successor, &c.

Sec. 45. The docket of the recorder, kept by him as recorder, shall be and remain a public record in his office, and shall be by him delivered over, together with all other books and papers belonging to the office of recorder, to his successor in office; and his successor in office shall be authorized to continue and complete all proceedings commenced by his predecessor in office, as such recorder.

Compensation of officers.

Sec. 46. The recorder, treasurer, marshal, assessors, attorney, street commissioner, and such other officers as may be appointed by the common council, shall receive such compensation for their services as the common council shall allow, but the president and trustees shall receive no pecuniary compensation.

Liable to township government.

Sec. 47. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as is herein otherwise provided.

By-laws not to take effect till published.

Sec. 48. Before any by-law or ordinance of said village shall take effect, it shall receive at least three insertions in a public newspaper printed in said village, if any newspaper is published therein, and if not, by posting written notices in three public places in said village, for three weeks; and the printed copy so published, or the written notice so posted, under the authority of the common council, shall be admitted as prima facie evidence thereof, in all courts in this State where the same may come in question.

This act shall take immediate effect.

Approved February 12, 1855.



## [ No. 112. ]

AN ACT to provide for the taxation of certain Railroad Companies.

SECTION 1. *The People of the State of Michigan enact*, That the Port Huron and Lake Michigan Railroad Company, the Detroit, Romeo and Port Huron Railroad Company, the Detroit and Pontiac Railroad Company, and the Oakland and Ottawa Railroad Company, or the company formed by the consolidation of Detroit and Pontiac, and the Oakland and Ottawa Railroad Companies, should they hereafter consolidate, shall, respectively, pay, on or before the first day of July, an annual tax of one per cent. upon the amount paid in upon the capital stock of their said company; and the property and effects of either of said companies accepting the provisions of this act, shall, in consideration thereof, be exempt from all and every tax, charge and exaction by virtue of any law of this State, except for penalties imposed upon said company, by its act of incorporation, or any other law of this State; and the tax herein specified shall be paid by either of said companies accepting the provisions of this act, and shall be accepted and taken in lieu of the taxes required in its act of incorporation, or any of the acts amendatory thereto.

Tax of one per cent. on amount paid in.

Exempt from all other taxes, &c.

Sec. 2. This act shall take effect and be in force, as to each of the companies hereinbefore named, whenever such company shall accept the same in writing, and file such acceptance in the office of the Secretary of State.

This act, when to take effect.

Approved February 12, 1855.

## [ No. 113. ]

AN ACT ceding to the United States of America jurisdiction over certain lands and their appurtenances, situate in the city of Detroit, and for other purposes therein mentioned.

*Whereas*, The United States have recently appropriated money for the purchase of sites in and near the city of Detroit, for the erection of certain buildings thereon, one to be used as a Marine Hospital, and the other as a Custom House, Post Office and U. S. Court room;

Preamble.

*And whereas*, It is deemed by the Legislature highly necessary to the interest of said city that said buildings should be erected; therefore,

**Cession of jurisdiction.** SECTION 1. *The People of the State of Michigan enact, That* jurisdiction of the lands and their appurtenances, that have been or may be purchased in and near said city of Detroit, for the erection of the aforesaid buildings, be and is hereby ceded to the United States of America: *Provided however,* That all civil and criminal process issued under the authority of this State, or any officer thereof, may be executed on said lands and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

**Right to execute process reserved.**

**Exemption from taxation.**

Sec. 2. The lands above described, with their appurtenances, and all buildings and other property that may be thereon, shall forever hereafter be exempted from all State, county, and municipal taxation and assessment, so long as the same shall remain the property of the said United States of America.

Approved February 12, 1855.

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[ No. 114. ]

AN ACT appropriating certain internal improvement lands for opening and improving a road from Watrousville, in the county of Tuscola, to Lower Saginaw, in Saginaw county.

**Appropriation.**

SECTION 1. *The People of the State of Michigan enact, That* two thousand acres of internal improvement lands, not otherwise appropriated, situated in the county of Tuscola, be and they are hereby appropriated for the purpose of opening and improving a road leading from Watrousville, in the county of Tuscola, to Lower Saginaw, in the county of Saginaw.

**Commissioner to select lands.**

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the State is hereby authorized to appoint a special commissioner, who may make a selection of the lands hereinbefore appropriated, and report such selection to the Commissioner of the Land Office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof, except upon the order of said special commissioner: *Provided,* That nothing shall be paid to such special commissioner for making the selection of the lands hereby appropriated.

Sec. 3. The said commissioner shall, by virtue of his appointment, have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and improving of said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise for proposals for contracting said work, such advertisement to be published for three successive weeks in a newspaper published in the county of Tuscola, if a newspaper shall be published in said county, and if not, then by posting up notices in five of the most public places in said county.

Commissioner to have control and management of improvements.

To advertise for proposals.

Sec. 4. For the purpose of laying out, opening and improving said road, the said commissioner shall possess the power now conferred upon the highway commissioners of the several townships through which said road runs or shall be laid; and for settling all claims for damages by persons interested in lands through which said commissioner may lay said road, he may apply to a justice of the peace of the proper township, or an adjoining one, for the appointment of twelve freeholders, and the same proceedings shall be had thereupon, in all respects, as are now provided by law for the settlement of like cases by highway commissioners.

Powers of commissioner.

Damages, &c., how assessed.

Sec. 5. The said commissioner shall cause an accurate profile-map and field-notes of the survey of said road, or so much thereof as shall be within the limits of each township, and not run upon the line of an established road, to be filed in the office of the proper township clerk, who shall record the same in the manner now prescribed by law for public highways.

Map, field notes, &c., how to be filed.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with the diligence and dispatch compatible with proper economy, and the best interests of the public, and shall receive for his services a sum not exceeding one dollar and fifty cents per day, and such compensation shall be credited and allowed by the Auditor General, upon a bill of such services presented to him, and sworn to be a true bill and account of the services performed by said commissioner, and that all of such were necessary in the proper expenditure.

Duty and compensation of commissioner.

Account to be sworn to.

**Assessment roll, when to be made, and contents thereof.** before the second Monday of April, make an assessment roll, containing a description of all the property, both real and personal, in said village,

and the name of the owner or occupant or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be so completed, they shall

**Notice when roll is completed.**

give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper, or by posting written notices in three public places in said village, stating the place where such roll is left for the inspection of all persons interested, and of the time when, and place where, they will meet to hear the objections of any person interested in the valuation so made by them; and

**When assessors to reduce valuation.**

at the time and place so appointed, the assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown on oath, to the satisfaction of the assessors, which oath the assessors are hereby authorized to administer; and if any person shall consider himself aggrieved by the final decision of the said assessors, such person shall have the right of appealing from such decision at any time within

**When common council may reduce valuation.**

ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation; and the common council may, at any time before the tax is collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or imperfectly described in such assessment roll.

**Make corrections.**

**Taxes to be lien on premises.**

Sec. 31. Every assessment of any tax lawfully imposed or levied by the common council on any lands, tenements and hereditaments, or premises whatever, in said village, shall be and remain a lien on such lands, tenements, hereditaments and premises, from the time of making such assessment or imposing such tax, until paid; and the owner or occupant, or parties interested respectively in said real estate, shall be liable upon demand to pay every such assessment or tax so made or im-

**Owner liable to pay tax.**

**When and how property may be sold for tax.**

posed as aforesaid; and in default of the payment of such tax, or any part thereof, it shall be lawful for the marshal of said village to seize upon, remove and sell the personal property of such owner or occupant, or to sell such real estate sufficient to pay and satisfy such taxes and the charges which may accrue; and it shall be lawful for the marshal

of said village, in default of the payment of any tax imposed by the common council upon any inhabitant of said village, or any person owning any property in said village, to levy upon, seize, remove and sell the personal property of such inhabitant or person so owning such property, sufficient to pay and satisfy such tax, and the costs of such levy and sale. All sales of personal property for taxes, as herein provided, shall be made in the same manner and upon like notice as is prescribed by the laws of this State for constable sales. Notice of sale.

Sec. 32. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and perform such other services as may be required of him under and by virtue of this act, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services; and shall be entitled for and in the performance of his duties to the same privileges, and be subject to the same liabilities as constables are entitled to and subject to by the laws of this State. Marshal to be police constable, to collect taxes, and serve process, &c. Fees. Rights and liabilities.

Sec. 33. The marshal shall pay over all moneys belonging to said corporation, by him received, by virtue of his office as marshal of said village, to the treasurer of said village, at such time and in such manner as the common council may direct. Marshal to pay over money to treasurer.

Sec. 34. It shall be the duty of the marshal to arrest any drunken and disorderly, brawling or riotous person or persons, or any other person whom he may find within said village disturbing the peace of the inhabitants thereof, and to take such person or persons before the recorder of said village; and the said recorder shall, thereupon, proceed to hear, try and determine the matter, upon proof, in a summary manner; and upon conviction of such person or persons, may sentence such person to pay a fine of not more than five dollars, and costs, or to be committed to imprisonment in the county jail not more than ten days, or both such fine and imprisonment, at his discretion; and may further require such person to enter into recognizance in a sum not exceeding fifty dollars, to keep the peace, and for his good behavior for six months thereafter; and the sheriff of the county of Lapeer is hereby authorized and required to receive and safely keep in jail such persons so Drunken and disorderly persons to be arrested and punished.

committed such time as is prescribed in the warrant of commitment, upon the same terms as provided for similar offences by the laws of this State.

General duties of marshal.

Sec. 35. The marshal shall have the general supervision of the streets, lanes, alleys and sidewalks in said village, under the direction of the common council, and shall see that the by-laws and ordinances of said village are duly and properly observed within said village, and shall perform such other duties as the common council may direct, and shall receive such compensation for such services as the common council shall allow.

Notice of sale of land for taxes.

Sec. 36. Whenever any real estate shall be sold by said marshal for taxes, notice thereof shall be published in a newspaper printed in said village, once in each week, for at least four weeks, or by posting written notices in three public places in said village, for at least four weeks; and the said marshal shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the amount for which it was sold, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to the said lands described in the sale, or some person claiming an interest therein, shall not, within one year from the date thereof, pay the treasurer of said village for deeds of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of ten per cent. per annum, from the date of such certificate and sale, the marshal, or his successor in office, shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be prima facie evidence that the proceedings were regular, according to the proceedings of this act, from the valuation of the land by the assessors to the date of the deed, inclusive; and every such conveyance executed by said marshal, under his hand and seal, and witnessed and acknowledged by the proper officer, and recorded in the proper form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence; and all personal estate so sold, shall be sold in such manner as the common council may

Certificate to be given purchaser.

If not redeemed, &c. deed to be given.

Effect of deed.

How personal property to be sold.

direct; and the common council may, upon satisfactory evidence, upon oath, of the payment of any tax upon real estate, and that the same has been returned by mistake or otherwise improperly, or for any other irregularity in the return and sale of such real estate, cancel the certificate of sale before the same has been deeded; and may, thereupon, draw a warrant upon the treasurer for the amount of purchase money, and seven per cent. interest, and no deed shall thereupon be given upon such certificate of sale.

When sale of real estate may be canceled.

Sec. 37. Each fire, hose, hook and ladder company of said village, shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and impose and collect such fines for the non-attendance or neglect of duty of the members as may be established by such by-laws and regulations of every company; and every person belonging to such company, shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, be exempt from serving on juries, and working a poll tax on the highways or streets in said village; and it shall be the duty of every fire company to keep in good and perfect repair, the fire engine, hose, ladder and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, and as often as may be directed by said common council, for the purpose of working or examining said engine and other implements, with a view to their perfect order and good repair. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing such fire, as in preventing any goods from being stolen, and also in removing and securing the same; and shall, in all respects, be obedient to the president, recorder and trustees, or either of them who may be present at the fire; and the common council shall have the power, for the more perfect organization of the fire department of said village, to appoint fire wardens, who shall be clothed with such powers and be subject to such duties relative to the prevention of fires in said village, as the common council shall by ordinance direct; and the president, recorder and marshal of said village, shall respectively have power to compel any by-standers at any fire in said village to assist and aid in the extinguishing thereof;

Regulation of fire companies.

Duty of marshal in case of fire.

Fire wardens.

Penalty for disobedience at fire.

and any person neglecting or refusing obedience to the orders of said president, recorder or marshal, given at such fire, for the purpose of aiding in the extinguishment of such fire, and securing the property of the inhabitants from conflagration, shall forfeit and pay to the use of said village a sum not less than five nor more than ten dollars for each offence.

Taverns, &c., not to be kept without license.

Sec. 38. Any person who shall keep an inn, or tavern, or common victualers shop in said village of Almont, without being licensed therefor by the common council thereof, shall, on conviction thereof, forfeit and pay for the use of said village the sum of one hundred dollars.

Declaration in suits for forfeitures.

Sec. 39. The declaration in any suit instituted to recover any penalty or penalties, forfeiture or forfeitures, incurred as provided for in this act, may be in the following form, to wit: "The common council of the village of Almont, complains of A. B., and says that the said A. B. justly owes to the said common council the sum of.....

.....dollars, for certain penalties and forfeitures which said A. B. has incurred, and is justly entitled to pay, by reason that the said A. B. did, on the.....day of.....

....., in the year....., and at divers other times within one year last past, in the village of Almont, in the county of Lapeer, in the State of Michigan, do and commit certain acts in violation of the laws relating to the village of Almont, touching (here state the general nature of the act or acts complained of,) and therefore the said common council bring suit." And the defendant may plead thereto as follows, to wit: "The said A. B. is not indebted to the said council, as above alleged."

Fine.

Evidence.

Judgment to be rendered.

Limitation.

And under such declaration evidence may be given of any violation of the provisions of this act of incorporation, or of any by-law or ordinance made in pursuance thereof; and judgment may be rendered thereon for so many distinct violations of the provisions of said act or the said by-laws or ordinances as shall be proven: *Provided*, No justice of the peace shall render judgment for a greater sum than one hundred dollars in any one suit; and under such plea the defendant may give any competent testimony in exculpation of such charge. And the court before whom such suit is brought, and such judgment recorded, may forthwith issue an execution against the goods and chattels of the defendant, and for want thereof against the body of the defendant, in like manner and with like effect as similar executions may

Execution to issue forthwith.



be issued under the laws of this State: *Provided, however,* That any such defendant may, by one or more sufficient sureties, within five days, stay such judgment and execution, in the same manner and with like effect as other executions may be stayed by [the] laws of this State: *And provided, also,* That such suit, if before a justice of the peace, may be appealed to the circuit court, as in other cases.

Stay of execution.

Appeal allowed.

Sec. 40. No person or persons shall exhibit within said village any circus, menagerie, theatre or theatrical performance, or common shows, without being first duly licensed therefor by the common council, under penalty of one hundred dollars for every offence, and to be imprisoned in the county jail for thirty days, and until such penalty shall be paid or he shall be discharged by law.

No circus, theatre, or show, &c., to be exhibited without license.

Sec. 41. Any person offering to exhibit any such circus, theatre, theatrical performance, menagerie, or common shows, without such license, may be forthwith arrested by the marshal, or any constable residing in said county, and brought before any court having jurisdiction thereof, and upon conviction thereof shall be fined the sum of one hundred dollars, and stand committed to the county jail until paid, or until he be discharged according to law.

Persons offering to exhibit may be arrested, tried and punished.

Sec. 42. Any person who shall keep any gambling house, or places of resort for persons to gamble, within said village, and all persons who shall resort to any such place and gamble, or for the purpose of gambling, shall forfeit and pay for the use of said village a sum not to exceed twenty-five dollars for each and every offence.

Gambling, &c., punished.

Sec. 43. In all prosecutions, processes, and other proceedings, wherein the common council of said village shall be a party, no inhabitant or citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such inhabitant or citizen in the event of such proceedings: *Provided,* That such interest be only that which exists in common with the citizens of said village. Whenever any action or suit shall be commenced against said corporation, the same shall be commenced by summons, which shall be served by, leaving a copy thereof with the recorder, at his office, or in case of his absence therefrom, at his usual place of residence, at least six days before the return day thereof; and the recorder shall thereupon immediately inform the common council thereof.

No person to be incompetent as witness or juror by reason of citizenship.

Summons against corporation, and service thereof.

[ No. 122. ]

## AN ACT relative to Plank Road Companies.

**SECTION 1.** *The People of the State of Michigan enact, That* Company to keep highway in repair in certain cases. in all cases where any plank road company has or may at any time hereafter, become authorized or permitted to enter upon, take or use any public highway or street, on the route of its plank road, and to construct its plank road thereon, or to use and maintain the same for a plank road, and do actually take possession of said road or street, by laying down sections or portions of plank, and delivering plank upon such road or street, such company shall, at all times, so far as the formation of the soil and season of the year will permit, keep in good order and condition so much of said road as it shall not have planked, until it shall have planked the same; and if any company shall neglect to keep such highway or street in such order and condition, it shall be deemed to have abandoned and forfeited the right to enter upon, take or use such public highway or street, as to so much as shall not be planked.

Forfeiture for neglect.

If plank road not kept in repair, not to take toll.

**Sec. 2.** Every plank road company shall cause to be laid down and kept closely together, and in an even manner, so that the surface shall be uniform, the plank upon its road; and in case of default, it shall forfeit the right to receive any toll upon such road.

When company may collect toll.

**Sec. 3.** Every plank road company shall have the right to receive tolls at any time after it shall have constructed two continuous miles of the road.

When company shall cease to be a body corporate.

**Sec. 4.** Every plank road company shall cease to be a body corporate, if within three years, or if hereafter organized, then if within three years from the date of its organization, it shall not have commenced the construction of its road, and actually expended thereon at least ten per cent. of the capital stock.

Sec. 19 and part of sec. 17 of act No. 68 of 1848 repealed.

**Sec. 5.** Section nineteen (and so much of section seventeen as requires the construction of five miles of road before collecting tolls,) of the act entitled an act relative to plank roads, approved March 13, 1848, are hereby repealed.

This act shall take effect in thirty days.

Approved February 12, 1855.

[ No. 123. ]

AN ACT making appropriations for the State Normal School.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer shall transfer from the general fund to the normal school interest fund, the sum of seven thousand seven hundred dollars, for the year 1855; and six thousand dollars, for the year 1856; which sums are hereby appropriated to the normal school interest fund, and shall be drawn from the treasury in the manner now provided by law in relation to that fund.

This act shall take effect immediately.

Approved February 12, 1855.

[ No. 124. ]

AN ACT to provide for the transfer of causes from one circuit court to another, in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That whenever any civil suit or proceeding shall be pending in any circuit court in this State, either on the law or equity side of said court, in which the judge of said court shall be interested as a party, or as a member of any corporation which is a party to said suit, or has heretofore been consulted or employed as counsel in the subject matter to be litigated in said suit, or in which he would be excluded from sitting as a juror by reason of consanguinity or affinity to any party to said suit, the same may be transferred to some other circuit court in the manner provided by this act.

Sec. 2. Any party desiring to transfer any such suit or proceeding as is hereinbefore mentioned, may apply to a circuit court commissioner of the county where said suit is pending, or to any judge of the supreme court who is not within the disqualifications mentioned in the first section of this act, for an order to transfer such suit. Such application shall be in writing, and shall set forth the grounds specifically for such transfer. The parties to any such suit may, by stipulation, consent to the transfer of any such suit or proceeding without any application to a commissioner or judge; in which case the stipulation shall have the same effect as an order duly made for such transfer under the provisions of this act.

Judge to ap-  
point time  
of hearing.

Sec. 3. On receiving such application, the commissioner or judge shall appoint a time and place of hearing the same, and shall from time to time, as may be necessary, direct the manner in which notice of such hearing shall be given to all parties interested in such application.

Hearing,  
do., of ap-  
plication.

Sec. 4. On the day appointed for such hearing, or on some other day to which said hearing may be adjourned, when it shall appear that the notice of such hearing has been duly given, the commissioner or judge shall proceed to hear and determine the application for such transfer, and for this purpose may issue subpoenas for witnesses, and require their attendance as in other cases, and he shall hear the proofs and allegations of the parties touching the subject of the application before him, and if he shall be satisfied that the judge of the circuit court where such suit is pending is disqualified to sit in said cause within the intent and meaning of the first section of this act, he shall grant an order for the transfer of said cause or proceeding to the circuit court of some other county, which county shall be specified in said order.

Order of  
transfer.

Where party  
or attorney  
do., resident  
of some other  
county.

Sec. 5. If any party, or the attorney or solicitor of record of any party, shall be a resident of any county in this State other than the county in which said suit or proceeding is pending, and the judge of the circuit court of such other county shall not be disqualified to sit within the provisions of the first section of this act, the said suit or proceeding shall be transferred to the circuit court of the county in which the party, attorney, or solicitor, or one of them resides, unless the parties thereto shall, by stipulation, otherwise agree; and in case of such agreement, the order on such transfer shall be in accordance therewith.

On filing or-  
der, do.,  
court to  
have juris-  
diction.

Sec. 6. On filing the order of the commissioner or judge, granted as aforesaid, in which the proceedings before said commissioner or judge shall be briefly recited, with the clerk or register of the court to which said suit or proceeding is by said order directed to be transferred, the said court shall have jurisdiction of the same to the same extent as if said cause or proceeding had been legally commenced in said court, and may grant such order as may be necessary to procure the transfer of the existing files and orders in said cause or proceeding to said court, and to cause due notice of such transfer to be made.

Sec. 7. Upon delivering to the clerk or register of the court where

said cause or proceeding was pending before said transfer, a copy of said order of transfer duly certified by the clerk or register of the court in which said order shall be filed, the said clerk or register, to whom said certified copy shall be delivered, shall attach together the originals of all the papers filed in said suit or proceeding, and shall make true copies of all the orders made therein, and which are entered upon books of record in said court, and shall transmit the same, certified under his hand and seal to be the originals of such files and true copies of such orders, to the clerk or register of the court in which said order of transfer shall have been filed; which files and copies, when so filed and deposited in the office of the clerk or register to whom said transfer is to be made, shall have the same force and effect in all respects, and shall be subject to the rules and orders of said court as other original proceedings therein.

*Clerk to transfer papers with copy of record, &c.*

Sec. 8. The clerk or register who shall be required under the provisions of this act to transmit the files and orders in any cause or proceeding, as herein provided, shall be entitled to six cents per folio for all copies of orders and proceedings which shall be necessarily made, and one dollar in addition thereto, which shall be in full for all services rendered under this act.

*Fees of clerk and register.*

Approved February 12, 1855.

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[ No. 125. ]

AN ACT relative to the Hilledale and Indiana Plank Road Company.

SECTION 1. *The People of the State of Michigan enact, That the Hilledale and Indiana Plank Road Company may construct any portion of its road, not exceeding one-twentieth part, upon a grade not to exceed in ascent and descent, one foot in every ten feet.*

*This act shall take effect immediately.*

Approved February 12, 1855.

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[ No. 126. ]

AN ACT to organize the township of Mount Morris, in Genesee county.

SECTION 1. *The People of the State of Michigan enact, That township (8) eight north, of range (6) six east, be and the same is* *Mount Morris township organized.*

County  
treasurer to  
designate  
place of al-  
location, and  
give notice.

hereby set off from the towns of Genesee and Flushing, and organized into a separate township, under the name and style of the town of Mount Morris, and that the first township meeting shall be held on the first Monday of April next, at such place as the county treasurer of the county of Genesee shall determine; and said county treasurer shall be and is hereby required to give at least ten days notice of said meeting, by posting notices in at least three of the most public places in said town.

This act shall take effect immediately.

Approved February 12, 1855.

[ No. 127. ]

AN ACT to authorize the conveyance of certain lots in the village of Lansing, to Charles Fox, Harvey L. Baker, Jacob Strobel, Gottlieb Straub and John G. Boess, trustees in trust for the Methodist Episcopal Church in the village of Lansing.

Commission-  
ers of land  
office to re-  
ceipt amt't  
due on cer-  
tain lots  
without  
payment.

**SECTION 1.** *The People of the State of Michigan enact, That the* Commissioner of the State Land Office be and he is hereby required to receipt, without payment, the amount unpaid, of interest and principal, upon lots numbered seven and eight, of block sixty-three, in the village of Lansing, and to endorse the same upon a certificate issued from the office of said Commissioner, dated August 9th, 1853, and numbered six hundred and five.

Lot to be  
conveyed to  
trustees of  
the M. E.  
Church.

**Sec. 2.** When such endorsement shall be made, said lots shall be conveyed in like manner as though the same had been paid, to Charles Fox, Harvey L. Baker, Jacob Strobel, Gottlieb Straub, and John G. Boess, as trustees of the \*German members of the Methodist Episcopal Church of Lansing, and to their successors in office.

This act shall take effect immediately.

Approved February 12, 1855.

\*It appears by an amendment to the engrossed bill, that the words "German members of the," were intended to have been stricken out.

[ No. 128. ]

AN ACT to prevent the issue and sale of fraudulent stock by incorporated companies.

SECTION 1. *The People of the State of Michigan enact,* Any person or persons who shall fraudulently issue or cause to be issued, any stock, scrip, or evidence of debt, of any bank, insurance, mining, plank, or other incorporated company of this State, or who shall sell or offer for sale, hypothecate, or otherwise dispose of any such stock, scrip, or other evidence of debt, knowing the same to be so fraudulently issued, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State Prison not more than ten nor less than one year.

Issuing fraudulent stock, &c., made felony.  
Punish'm't.

Sec. 2. Any person or persons who shall sell, or offer for sale any stock thus fraudulently issued, and purporting to be the stock, scrip, or evidence of debt of any corporation located out of the State of Michigan, knowing the same to be so fraudulently issued, or shall hypothecate, or in any manner dispose of the same for value, shall, on conviction thereof, be punished by imprisonment in the State Prison not more than ten nor less than one year.

Knowingly selling fraudulent stock, how punished.

Sec. 3. Every banking, insurance, mining, plank, or other incorporated company, who issue scrip or shares, shall, within ninety days after the passage of this act, file with the Secretary of State a list of the number of shares issued by said corporation, and the names of the owners thereof, with the number of shares owned by each; and annually thereafter shall file with said Secretary of State, on or before the first day of January, in each and every year a statement similar to that above required, showing the ownership of the shares of said corporation at the day of the date of said statement; all of which statements, including the first, shall be made by one of the officers of said company, under oath.

List of shares of stock to be filed with Secretary of State.  
Statement to be under oath.

Sec. 4. In case any of said incorporated companies shall fail so to make such primary or such annual statements as are above required, they shall be liable to pay a fine of not more than five hundred dollars for any such violation of this law, which may be recovered in the name of the people of the State of Michigan, in any court of record, and when so collected shall be paid into the township treasury of the

Fine for neglect to file statement, &c.

Fine, how  
disposed of. town or city where such corporation is located, for the benefit of the primary school fund of said town or city.

Sec. 5. This act shall take effect in ninety days after its passage.

Approved February 12, 1855.

[ No. 129. ]

AN ACT to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February 14, 1853.

Sections 78  
and 79 of  
act No. 86 of  
1853 amend-  
ed.

SECTION 1. *The People of the State of Michigan enact, That* sections seventy eight and seventy-nine of an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February fourteenth, eighteen hundred fifty-three," is hereby amended, so that said sections will read as follows:

Aud. Gen'l  
to cause  
statement to  
be published.

"Sec. 78. The Auditor General shall cause each of such statements to be published in the county in which the lands therein described are situated, for eight weeks successively next previous to the first Monday of October in each year, (which shall be construed to mean eight publications, once a week,) in one newspaper printed and published in such county, if there be one which shall have been established therein two months prior to the first day of July; and in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county, if there be such newspaper established therein for the period aforesaid; but if there is no such newspaper printed or published in the same or any adjoining county, such statement shall be printed and published in some other newspaper, to be designated by the Auditor General.

When to be  
published in  
adjoining  
county.

Aud. Gen'l  
to designate  
paper, &c.

"Sec. 79. The newspapers in which such statements are to be published, shall be designated by the Auditor General, on or before the first day of July in each and every year, and not afterwards, unless the proprietor of any paper so designated shall neglect or refuse to print and publish such statement, or unless from some other cause it shall become impracticable; in which case the Auditor General shall designate some other paper for that purpose, before the time limited for commencing the publication."

This act shall take effect immediately.

Approved February 12, 1855.



[ No. 130. ]

AN ACT for the establishment of a State Agricultural School.

SECTION 1. *The People of the State of Michigan enact, That the* Selection of location.  
 president and executive committee of the Michigan State Agricultural Society, be and are hereby authorized to select, subject to the approval of the State Board of Education, a location and site for a State Agricultural School, within ten miles of Lansing; and subject to such approval, Farm to be purchased.  
 contract for and purchase for the State of Michigan, such lands, not less than five hundred acres, nor more than one thousand acres, in one body, for the purpose of an experimental farm and site for such Agricultural School: *Provided*, That the amount to be paid for such farm and site shall not exceed fifteen dollars per acre, and that the conveyance or conveyances be made to the State of Michigan.

Sec. 2. There is hereby appropriated twenty-two sections of salt spring lands, or the money arising from the sale thereof, referred to in article 13, section 11, of the constitution of the State of Michigan, for the purchase of land for such site and location, and the preparation thereof, the erection of buildings, the purchase of furniture, apparatus, library and implements, payment of professors and teachers, and such other necessary expenses to be incurred in the establishment and successful operation of said school. Appropriation of salt spring lands &c.

Sec. 3. Upon the execution and delivery to the Secretary of State of the proper conveyance or conveyances of the land, the purchase of which is provided for in the first section of this act, and the certificate of the Attorney General that he has examined the title to the same, and finds it unencumbered, and that the conveyance or conveyances are executed in due form, and a certificate from the president and secretary of the Board of Education, that the same is in accordance with the contract or contracts for the purchase of the same, and that the location has been approved by them, the Auditor General shall draw his warrant or warrants on the State Treasurer for the amount of such purchase, in favor of the party or parties to whom such sum or sums shall be due, payable out of said salt spring lands, or money accruing from the sale of the same; and the said certificates in this section mentioned, shall be filed and preserved in the office of the Secretary of State. Execution of conveyance to be delivered to Secretary of State.

Sec. 4. Upon the purchase of such location and site, there shall be established on such site, under the direction and supervision of the State Approval of location.  
Agricultural college, &c.

Board of Education, an Agricultural School, by the name and style of the Agricultural College of the State of Michigan, and the chief purpose and design of which, shall be to improve and teach the science and practice of agriculture.

Course of instruction.

Sec. 5. The course of instruction in said college shall include the following branches of education, viz: an English and scientific course, natural philosophy, chemistry, botany, animal and vegetable anatomy and physiology, geology, mineralogy, meteorology, entomology, veterinary art, mensuration, leveling and political economy, with book-keeping and the mechanic arts which are directly connected with agriculture, and such others as the Board of Education may from time to time see fit to prescribe, having reference to the objects specified in the previous section;

Professorships.

and the said board may establish such professorships, and employ such professors and teachers, to be called the board of instruction of said college, for the instruction aforesaid, as they may judge best for

Compensation of professors.

such object: *Provided*, The sum paid such professors and teachers for the first year after said college shall go into operation, shall not exceed the sum of five thousand dollars, and for the next year, not exceeding the sum of six thousand dollars, and for any years thereafter, such a sum as the State Board of Education may deem necessary, for the successful operation of the institution.

Tuition.

Pupils.

Tuition in said institution shall be forever free to pupils from this State, and any number of pupils may be admitted who shall apply from any part of this State: *Provided*, That in case more pupils apply than can be accommodated or taught, then said board shall adopt some equitable plan, giving to each county a number according to the ratio of population, as it shall appear from the census last taken; and in that case, those from each county shall be admitted in the order in which they shall apply, until the quota of such county be full.

Two terms in each year.

Sec. 6. There shall be two scholastic terms in each year, the first term commencing on the first Wednesday in April, and ending on the last Wednesday in October, the second term commencing the first Wednesday in December, and ending on the last Wednesday in February; and no pupil shall be received for less than one term, unless by special permission from the board of instruction.

Hours for school study.

Sec. 7. The Board of Education, upon consultation with the board of instruction, shall, from time to time, fix and establish rules as to the

number of hours which shall be devoted to manual labor and to study, which may be different in different terms or seasons; but during the first term in such year, the time devoted to labor shall not be less than three nor more than four hours each day; and no student or pupil of said college shall be exempt from such labor, except in case of sickness or other infirmity.

Sec. 8. The Board of Education shall appoint one of the professors officers. in said college to be the president thereof, and one to be its secretary, and one to be its treasurer; and the board of instruction may establish such rules and regulations from time to time, for the government of said college and instruction therein, as they may deem proper in any matter not regulated by the Board of Education; and the rules and regulations adopted by such board of instruction, shall remain in full force until altered by said Board of Education. And said board of instruction shall have power, subject to the approval of the Board of Education, to establish by-laws for the government and discipline of the pupils of said college, in regard to conduct and behavior, and to affix such pecuniary penalties as they may deem proper, and to prescribe the causes for expulsion or dismissal of any such pupil, which by-laws shall have the force of law, unless altered, modified or repealed by the Board of Education or the Legislature; and the Board of Education shall fix the compensation to be credited or paid for the labor performed by pupils, under the provisions of section seven of this act.

By-laws and penalties.

Compensation for labor.

Sec. 9. The president of said board of instruction shall preside at all meetings of said board, except in case of sickness or absence; in which case the board may elect one of their number president *pro tempore*; and it shall be the duty of the president to see that all the regulations established by this act by the Board of Education and by the board of instruction, in regard to the government and instruction in said college be enforced.

Duties of president.

Sec. 10. The secretary of said board of instruction shall record all the proceedings of said board, and all regulations and by-laws for the government of said college, and shall publish the same, and furnish a copy thereof to the Governor of this State, to each member of the Board of Education, to the county clerk of each county, and to the clerk of each organized township in this State. He shall also keep a full record of all improvements and experiments made on said lands, their

Duties of secretary.

cost and results. He shall also keep a careful account with each field, in connection with a plan of the farming lands or farm, exhibiting the position of each, in which shall be shown the manner and cost of preparing the ground, the kind of crop, time of planting or sowing, the after condition, the time and manner of harvesting, the labor devoted to each process, and its cost price, with the cost of preparing the matured crop for market, and the price for which it was sold, and of such other matters as the Board of Education and of instruction, or either of them, may require of him; and he shall furnish a copy thereof at the end of each term to the president of the Board of Education; and the said record shall, at all reasonable hours, be open to the inspection of any citizen of this State.

Duties of  
treasurer.

Sec. 11. The treasurer shall receive and keep all moneys arising from the sale of products of the farm, and from fines and penalties that may be imposed; and shall give bonds in such sum as the Board of Education may require. He shall pay over all moneys upon the warrant of the president, countersigned by the secretary, on account of such contingent expenses of the institution as may arise. He shall render annually, in the month of December, to the Board of Education, and as often as required by said board, a full and true account of all moneys received and disbursed by him; stating for what received and paid, and shall produce vouchers for such payments. The surplus money, if any remain in his hands at the time of rendering such account, shall, if required by said board, be paid over to the State Treasurer, to be placed to the credit of said institution.

Visitors to  
be appointed.

Sec. 12. After said college shall have commenced its first term, the Superintendent of Public Instruction shall appoint visitors for the same, who shall perform the like duties required of such visitors by law, in reference to the State Normal School.

Sec. 13. This act shall take effect immediately.

Approved February 12, 1855.

[ No. 131. ]

AN ACT to provide for repairing and finishing the State Prison, and for the construction of cells therein.

Repairs and  
additions to  
State Prison.

SECTION 1. *The People of the State of Michigan enact, That the State Prison Building Commissioner of the State Prison, under the*

direction of the Inspectors thereof, shall cause the west wing of said prison to be newly roofed, and the sewer to be enlarged and repaired; and he shall proceed with convenient dispatch to build the east wing of said prison, according to the original plan and design thereof, together with the solitary prison, provided for in act number eighty-three of the laws of 1853, approved February fourteenth, eighteen hundred fifty-three; a prison for female convicts, and a mess room, hospital and chapel. He shall also construct such number of new cells as may be necessary for the proper confinement and safe keeping of the prisoners in said prison.

Sec. 2. It shall be the duty of the Inspectors of the State Prison to prescribe the plan of said buildings, and the materials to be used in their construction, and direct the work upon the same. All such buildings shall be erected in the present prison yard.

*Inspector to prescribe plan, materials, &c*

Sec. 3. There is hereby appropriated from the State Treasury the sum of forty-four thousand dollars for the purposes mentioned in section one of this act, as follows: For constructing eighty-two new cells in the west wing, seven thousand three hundred and eighty dollars; and for new roofing the same, one thousand seven hundred and ninety-five dollars; for building the east wing, twenty thousand four hundred and fifty-six dollars; and for constructing eighty-two cells therein, seven thousand seven hundred and eight dollars; for building the solitary prison, two thousand six hundred and ninety dollars; prison for female convicts, one thousand three hundred and forty-three dollars; mess room, hospital and chapel, two thousand and twenty-two dollars; and for repairing and enlarging the sewer, four hundred and ninety-eight dollars. And it shall be the duty of the Auditor General to draw his warrant upon the State Treasurer from time to time, for such sums as the Inspectors shall certify to be necessary to defray the accruing expenses for the work aforesaid.

*\$44,000 ap- propriated.*

*Specifica- tions.*

*How money to be drawn.*

Sec. 4. There may be used in the construction of said buildings and cells such convict labor as the Inspectors shall direct. And the entire amount hereby appropriated for the purposes herein named, shall be and remain separate and distinct from all moneys for the support, maintenance and management of the prison. And the clerk of the prison shall be the clerk of such Building Commissioner, and shall

*Convict labor may be employed.*

*Appropriation to remain a separate fund, &c.*

*Duty of clerk of prison.*

keep, in separate books, under the direction of such Commissioner, all records, accounts and other matters necessary and proper to be kept, relating to the provisions of this act.

Building  
commissioner  
to be ap-  
pointed.  
Duty and  
compensa-  
tion.

Sec. 5. There shall be appointed and commissioned by the Governor, a State Prison Building Commissioner, who shall hold his office for two years, unless sooner removed, whose duty it shall be to superintend the building, construction and repairs provided for in this act, whose annual salary shall be nine hundred and ninety-nine dollars, payable quarterly, from the State Treasury, in the same manner as is provided by law for other State officers; and who shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and give such bond for the faithful performance of his duties as the State Prison Inspectors shall require.

Oath and  
bond of  
commis-  
sioner.

This act shall take effect immediately.

Approved February 12, 1855.

[ No. 132. ]

AN ACT to organize certain townships in the county of Ottawa.

Norton  
township  
organized.

SECTION 1. *The People of the State of Michigan enact*, That all that part of the county of Ottawa known and designated as fractional township number nine north, of range seventeen west, and townships nine north, of ranges fifteen and sixteen west, be and the same are hereby set off and organized into a separate township by the name of Norton, and the first township meeting shall be held at the house of Ira O. Smith, in said township, on Monday, the second day of April next.

Town meet-  
ing.

Eastman  
township  
organized.

Sec. 2. All that part of the county of Ottawa known and designated as fractional township six north, of range sixteen west, and township six north, of range fifteen west, shall be organized into a separate township by the name of Eastman, and the first township meeting shall be held at the house of C. Smith, in said township, on Monday, the second day of April next: *Provided however*, That said election shall be held as herein provided, and the township officers elected thereat shall be qualified and enter upon the duties of their respective offices, within twelve days after said election.

Town meet-  
ing.

This act shall take immediate effect.

Approved February 12, 1855.

## [ No. 133. ]

AN ACT to authorize the formation of corporations for building and leasing houses and other tenements.

SECTION 1. *The People of the State of Michigan enact, That* Companies may be formed under the act for mining corporations.  
 corporations for the purpose of building and leasing houses and other tenements may be formed under the provisions of an act entitled "an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February 5, A. D. 1853, and shall have and possess all the rights, and be subject to all the liabilities, provided in said act and the acts amendatory thereof.

Approved February 12, 1855.

## [ No. 134. ]

AN ACT to provide for the payment of the expenses of the State government.

SECTION 1. *The People of the State of Michigan enact, That* State tax for 1855 and 1856.  
 the sum of twenty-five thousand dollars in the year eighteen hundred and fifty-five, and the sum of fifty thousand dollars in the year eighteen hundred and fifty-six, be raised and collected upon the taxable property of the State; and the same is hereby appropriated for the payment of the expenses of the State government, and the interest upon the State debt, not otherwise provided for.

Sec. 2. The Auditor General shall apportion in each year the sums Tax, how apportion'd.  
 herein provided to be raised, among the several counties, in proportion to the valuation of the taxable property therein, as determined by the State Board of Equalization; and he shall, on or before the fifteenth day of September in each year, make out and transmit to the clerks of the several boards of supervisors, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Sec. 3. The board of supervisors shall, at their annual session in each year, ascertain and determine the amount of money to be raised by tax Duty of boards of supervisors.  
 for county purposes in their respective counties, and apportion such amount, and also the amount of State tax apportioned to their respective

counties by the Auditor General, among the several townships of the county, in proportion to the valuation of the taxable property therein, as equalized by the board of supervisors for said year, which determination and apportionment shall be entered at large on their records.

This act shall take effect immediately.

Approved February 12, 1855.

[ No. 135. ]

AN ACT to confirm certain sales of land.

Confirmation  
of sales.

SECTION 1. *The People of the State of Michigan enact*, That the sales of section sixteen, town fifty north, of range thirty-nine west, also of section sixteen, town fifty-eight north, of range thirty west, also of section sixteen, town fifty-eight north, of range twenty-nine west, also the south half of section sixteen, town fifty-one north, of range thirty-seven west, heretofore made by the Commissioner of the State Land Office, are hereby ratified and confirmed, as of the respective dates thereof; and upon complying with the terms of purchase, patents, if not already issued, shall be issued to the purchaser or purchasers of such lands, in the manner provided in cases of sale thereof, by chapter sixty of the revised statutes: *Provided however*, That this act shall in no way affect the rights of the State, arising under any contract for the sale of lands, the terms and conditions of which have not been performed by the purchaser, or the person or persons claiming under him; but all such contracts shall be and remain the same as if this act had not been passed: *And provided further*, That this act shall not be construed as impairing in any way the alleged title of any person or persons to any such lands, involved in any suit now pending or hereafter to be pending, and claimed under a patent of the United States, hereby intending, without admitting such title, to leave the same for final adjudication to the proper judicial tribunal.

Not to af-  
fect certain  
rights of the  
State.

Not to af-  
fect suits  
pending.

State not li-  
able for  
damages,  
&c.

Sec. 2. No purchaser, his heirs or assigns, of such lands or any part thereof, shall, by reason of the aforesaid confirmation, be entitled to any claim or demand whatsoever against the State for any damages arising by reason of any conflicting claim of any purchaser, his heirs or assigns, under any grant or sale by the United States.

Approved February 13, 1855.



[ No. 136. ]

AN ACT to incorporate the Village of East Saginaw.

SECTION 1. *The People of the State of Michigan enact, That* so much of the township of Buena Vista, in the county of Saginaw, as Boundaries of village. is embraced in the following boundary, viz: commencing at a point in the center of Saginaw River, where the east and west quarter line of section seven in township number twelve north, of range number five east, intersects said Saginaw River; thence east on said quarter line to the east section line of said section seven; thence south on section line to the south-east corner of section thirty, (30,) in said township of Buena Vista; thence west on section line to the center of Saginaw River; thence down the center of said river to the place of beginning, be and the same is hereby constituted a village corporate, by the name of the village of East Saginaw.

Sec. 2. The male inhabitants of said village having the qualifications of electors under the constitution, shall meet at the Kirby House in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder and one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Sec. 3. At the first election to be holden in said village, under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and subsequent elections shall be held in said village, and superintended by the president, recorder, and one or

Annual elections, when and where held.

Officers to be elected.

Term of office.

Elections in certain cases, when held.

First election, how conducted.

Subsequent elections.

more of the trustees; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper of equal size as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

Sec. 4. It shall be the duty of the recorder of said village to give five days public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers, so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation, before any justice of the peace or

Poll list to be kept.

When certain ballots to be destroyed.

To count votes and certify result.

Common council to canvass returns.

In case of a tie, election to be determined by lot.

Notice of election.

Notice to persons elected.

Oath of officers.

notary public for said county of Saginaw, to support the constitution of the United States, and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of the proceedings.

Sec. 6. The president, recorder, and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of East Saginaw, and by that name they and their successors shall be known in law, and shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of record and any other place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by that same name shall be and are hereby made capable of purchasing and holding, conveying or disposing of any real or personal estate for the use of said corporation.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the common council of the village of East Saginaw, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Sec. 9. In case of the death, resignation or removal of the president,

When common council to order election.

recorder, or any of the trustees or other officers elected by the electors of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order by a public notice, to be posted up in three public places in said village, that an election will be held by the electors of said village, to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Common council may remove certain officers, and fill vacancies.

Sec. 10. The common council shall have power to remove at pleasure, any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur by death, resignation, removal, or any other cause; and all officers so appointed, shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Treasurer and marshal to give security.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the common council shall direct and require.

General powers of common council. To appoint officers. Make by-laws relative to fees, &c.

Sec. 12. The common council shall have full power and authority to appoint a marshal, and all other officers necessary, under the provisions of this act, for said village, whose elections are not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to construct sewers and reservoirs; to license all showmen; to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; relative

Assess tax's.

Prevent nuisances.

Grant licenses.

Suppress games, &c.

General powers conferred.

to calling of meetings of the electors of said village, relative to the keeping and sale of gunpowder in said village; relative to the restraining of swine, horses, and other animals, from running at large in the streets, lanes and alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to suppress billiard tables, and all other gaming tables kept for hire, gain or reward, in said village; and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for the preventing and suppressing all disorderly and bad houses: *Provided, always*, Such by-laws shall not be repugnant to the constitution and laws of the United States, or of the State of Michigan: *And provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of Saginaw, or by written notices posted up in three of the most public places in said village.

By-laws not to take effect until published.

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for suppression of riots, and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all such by-laws and ordinances as to them shall seem necessary, for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

Common council to make by-laws and regulations, and punish offenders.

Sec. 14. The common council shall have full power to prevent the vending of intoxicating liquors in said village, not duly authorized; to regulate the measuring of fire-wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering of the streets, sidewalks, alleys or public grounds or square, and to regulate all grave yards and burial of the dead for said village.

To prevent selling liquor, &c.

To designate stand for sale of produce, & make other regulations.

Sec. 15. The common council shall have authority to lay out and establish, open, make and alter, such streets, lanes and alleys, sidewalks, streets, &c.

To lay out and alter streets, &c.

Proceedings  
when private  
property is to be  
taken.

When jury  
to be sum-  
moned.

Oath of ju-  
rors.

Justice to  
render judg-  
ment.

Damages to  
be tendered.

Claimant  
may appeal,  
on giving  
notice, &c.

highways, water courses and bridges within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her, or their agent or representative, by personal service, or by written notice posted in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a venire facias, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, highway or bridge, shall be made, opened, established or altered, to the claimant or claimants thereof. It shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to said justice in writing, within ten days, or in case

of the absence of said party from the said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of such jury, and the judgment of said justice as aforesaid; and upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal. Costs of appeal, by whom paid.

Sec. 16. Any justice of the peace of the township of Buena Vista is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established, by the said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders, as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided, always*, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury. Justice of township to exercise jurisdiction. Jury may be demanded.

Sec. 17. The marshal, recorder, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct, but the residue of the common council shall not receive any pecuniary compensation for their services. Compensation of officers.

Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof; previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures; which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each ap- Duty of common council relative to settlement of accounts, &c.

propriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Citizens not incompetent as jurors or witnesses, by reason of citizenship.

Sec. 19. In all processes, prosecutions, and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

Service of process against corporation.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder at least ten days before the return day thereof.

Taxes to be assessed.

Sec. 21. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed in any one year, one-half of one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax; and every assessment of taxes lawfully imposed or laid by the said common council, on any lands, tenements and hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands and tenements and hereditaments, from the time of making such assessments or imposing such tax until paid; and the owner or occupants or parties in interest respectively in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it

When property to be sold for tax on.

shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed

Notice of sale.



in said county, for at least four weeks, once in each, previous to such sale; and the said marshal shall give to the said purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale shall not, within one year from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be prima facie evidence that the sale and all the proceedings therein, prior to such sale, were regular, according to the provisions of this act; and every such conveyance executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate so sold, shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

*Certificate to be given to purchaser.*

*If premises not redeemed, deed to be executed.*

*Effect of deed.*

*Prima facie evidence of regularity.*

Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left, for the inspection of all persons interested, and of the time when, and the place where, they will meet, to hear the objections of any persons interested to the valuation so made by them; and at the time so appointed the assessors shall meet, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing

*Duty of assessors.*

*Notice of completion of assessment.*

*When assessors may reduce valuation.*

When common council may reduce valuation.

from such decision of the assessors, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

Common council to make out taxes.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Marshal to collect tax.

Marshal to pay over money to treasurer.

Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the common council.

Street commissioners may be appointed. Further powers of common council.

Sec. 25. The common council shall have power to appoint one or more street commissioners, or other officers, to superintend and direct the making, planking, paving, repairing and opening all streets, lanes, alleys, sidewalks, highways or bridges, within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such side-walks to be assessed on lots or premises adjoining such improvements, or by general assessments or otherwise, as they may direct.

Organization and regulations of fire companies.

Sec. 26. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council; and they may impose such fines for the non-attendance or

neglect of duty of any of its members, as may be established by such <sup>Fines for neglect of duty.</sup> by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such shall be <sup>Exemptions of members of fire companies.</sup> exempt from serving on juries and working a poll tax on the streets and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engines, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, or as often <sup>Meetings of fire companies.</sup> as may be directed by said common council, for the purposes of working or examining said engine and other instruments, with a view to their perfect order and repair.

Sec. 27. Upon the breaking out of any fire in said village, the <sup>Duty of marshal in case of fire.</sup> marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing said fire, as in preventing any goods from being stolen, and also, in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Sec. 28. This act shall be deemed a public act.

Sec. 29. This act shall take effect in thirty days.

Approved February 13, 1855.

[ No. 187. ]

AN ACT to amend the charter of the Detroit, Romeo and Port Huron Railroad Company.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Sec. 1 of act No. 105 of 1846 amended.</sup> section one of an act entitled "an act to amend an act entitled an act to incorporate the Shelby and Detroit Railroad Company," approved May 4th, eighteen hundred and forty-six, be amended so as to increase the capital stock of said company, so that said section when amended shall read as follows: "That so much of section two of an act entitled 'an act to incorporate the Shelby and Detroit Railroad Company,' approved March 7th, one thousand eight hundred and thirty-four, as prescribes the amount of the capital stock of said company, shall be and

Capital  
stock in-  
creased.

is hereby so amended as to read as follows: 'The capital stock of said Railroad Company shall be two millions of dollars, in shares of fifty dollars each.'

Sec. 1 of act  
No. 87 of '68  
amended.

Sec. 2. That section one of an act entitled "an act to amend an act entitled an act to amend an act to incorporate the Shelby and Detroit Railroad Company," approved March 18th, eighteen hundred and forty-eight, be amended so as to extend the time for the completion of said road, so that said section when amended shall read as follows: "If the said company shall not, before the first day of August, one thousand eight hundred and fifty-seven, construct, finish and put in operation twenty miles of the line of said railroad, and shall not before the first day of August, one thousand eight hundred and fifty-nine, construct, finish and put in operation the entire line of said railroad, then the rights, privileges and powers of said company, under this act, shall be null and void as to such parts of said line of road as shall not before said time have been finished and put in operation."

When road  
to be com-  
pleted.

Tax to be  
paid.

Sec. 3. That section three of the said act, approved March 18th, eighteen hundred and forty-eight, be amended in regard to the tax upon the capital stock of said company, so that said section when amended shall read as follows: "Sec. 3. Said company shall pay to the Treasurer of the State of Michigan an annual tax, at the rate of one-half of one per cent. on the whole amount of capital hereafter paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, and three-fourths of one per cent. thereafter until 1860; [until 1860, and three-fourths of one per cent. thereafter;] which tax shall be paid upon the first day of July in each year, and shall be estimated upon the last preceding report of such company, and said State tax shall be in lieu of all other taxes upon all the property of said company, and any investment of any of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be returned to the State Treasurer accordingly."

When pay-  
able.

May issue  
bonds, &c.

Sec. 4. That section six of the said act, approved March 18th, eighteen hundred and forty-eight, be struck out, and the following section substituted therefor, so that said section six of said act shall read as follows: "Sec. 6. Said company are hereby authorized to issue their corporate bonds or obligations for such amounts, not less than one hun-

dred dollars, and in the aggregate not exceeding their capital stock, and in such form as it may deem proper, and payable at such times and places, and upon such rates of interest as it may determine, for the purpose of providing means for the construction of said railroad, its shops, depots, buildings and equipments; and said company may secure the whole or any portion of said bonds or obligations, by mortgage of said road or other property of said company; and in case said bonds or obligations, or any of them, shall be thus sold, disposed of or negotiated at a discount, said sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value." May mortgage road, &c.

Sec. 5. That section fifteen of said act of incorporation, approved March 7th, 1834, be amended, so that the same, when amended, shall read as follows: "Sec. 15. If it shall be necessary or for the interest of said company, in the selection of the route, or in the construction of the road or any part thereof, by them to be laid out and constructed, or in carrying on or conducting the business of the company, to connect the same with, or to cross any railroad, canal, dam or bridge, made or erected by any company incorporated for the transportation of persons or property, by any of the laws of this State or of any other State or country, it shall be lawful for said company to contract with any such other corporation or corporations, for the right to connect with, cross or use such road, canal, dam or bridge, or for the transfer of any such of the corporate or other rights or privileges of the company of such corporations, or of the company hereby incorporated, as may be necessary in that respect; and every such other incorporation is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation to exercise their corporate powers, or any of the rights and privileges aforesaid; and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the respective corporations, shall vest in the company to whom said transfer is made all such rights and privileges, and the right to use and enjoy the same as fully as they are or may be used and enjoyed by the corporation in whom they are vested; and said company hereby incorporated may locate and relocate the line of their road, or any part thereof, and for the" Amendment to act of '34.  
Certain rights conferred.  
May make certain contracts.  
May change line of road.

purpose of straightening the same, may make such alterations therein as may be necessary in that respect, not changing the termini thereof."

To fence  
road, &c.

Sec. 6. Said company shall erect and maintain fences on the sides of their road, of the height and strength of a division fence required by law, with suitable openings and gates thereon, and convenient farm crossings of the road, for the use of the proprietors of lands adjoining such railroad; and also to construct and maintain cattle guards at all

Construct  
cattle guards  
at road cross-  
ings, &c.  
Liable for  
damages till  
fence erect-  
ed, &c.

road crossings, suitable and sufficient to prevent cattle and animals from getting on the railroad. Until such fences and cattle guards shall be duly made, said company and its agents shall be liable for all damages

which shall be done by their agents or engines to cattle, horses and other animals thereon, and for all the damages which may arise from neglect or refusal to maintain fences as aforesaid; and after such fences

Otherwise  
after road is  
fenced, &c.

and guards shall be duly made and maintained, said company shall not be liable for any such damages, unless negligently or wilfully done;

Penalty for  
leading or  
driving ani-  
mals on  
railroad.

and if any person shall ride, lead or drive any horse or animal on such road, and within such fences or guards, other than at farm crossings, without the consent of said company, he shall, for every such offence, forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved.

When this  
act to take  
effect.

Sec. 7. This act shall take effect and be in force upon acceptance thereof by said company, and filing such acceptance in the office of Secretary of State.

Approved February 13, 1855.

[ No. 138. ]

AN ACT to authorize the Michigan Southern Railroad Company to consolidate with the Northern Indiana Railroad Company.

Consolidation  
of roads  
authorized.

SECTION 1. *The People of the State of Michigan enact*, That the Michigan Southern Railroad Company is hereby authorized to consolidate with the Northern Indiana Railroad Company, of Indiana, by a vote of a majority in interest of the stockholders of each of said corporations, at meetings called for that purpose, or by the written assent of such majority, to be filed in the office of the Secretary of State; and when said vote shall be passed, and such assent filed, and an agreement

entered into, as provided in section 2, said corporations shall thereby be united and become one corporation, to be called the Michigan Southern and Northern Indiana Railroad Company; and all the franchises, property, powers and privileges, now enjoyed by the Michigan Southern Railroad Company, and all the restrictions, liabilities and obligations, imposed upon said two corporations, by virtue of their respective charters, and all contracts by and with either or both of said corporations, shall appertain to said united corporation, in the same manner as if the same had been contained in or acquired under an original charter, or made by or with said consolidated corporation, and in the same manner as if such consolidation had not taken place; and all debts and demands against said Michigan Southern Railroad Company, shall be enforced against said new corporation to the same extent and in the same manner as if such debts or demands had been originally incurred by it, and all obligations of said Michigan Southern Railroad Company, under the act entitled "an act to authorize the sale of the Southern Railroad, and to incorporate the Michigan Southern Railroad Company," and of the directors thereof shall be transferred to said new corporation and the directors thereof, and said new company shall cause its books to be opened, for the purpose of receiving subscriptions to its capital stock for the purpose of extending said road, in the same manner and upon the same terms as the Southern Michigan Railroad Company would have been required to do, if such consolidation had not been made; and any person or persons may subscribe stock for the extension of either of the roads named in said section, in the same manner and upon the same terms as if no consolidation had taken place; and the directors of said new company shall cause the said road to be constructed in the same manner and upon the same conditions as said Michigan Southern Railroad Company would have been compelled to do, were it not for such consolidation; and the shares on the road so extended shall be entitled to a dividend of the nett profits of said road, in proportion to the amount of instalments paid in on the respective shares of said company; and the persons so subscribing and paying, shall be stockholders in said new company, and entitled to all rights and privileges of the original stockholders of said new company, in the same manner and to the same extent as is contemplated by the original charter of the said Michigan Southern Railroad Company.

Corporate  
name.  
Rights and  
liabilities.

To be sub-  
ject to all  
obligations  
of charter of  
Mich. S. R.  
R. Co.

To open  
books, &c.

Construction  
of road, &c.

Rights of  
stockholders  
&c.

Agreement  
for consoli-  
dation, con-  
tains there-  
of.

Sec. 2. The directors of said corporations may enter into an agreement, under their respective corporate seals, for the consolidation of said corporations, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the number of directors thereof, which shall not be less than seven nor more than thirteen; the names of the first directors of said united corporation; the time and place of holding the first election of directors; the day for holding the annual election of directors; the amount of capital and the number of shares of the stock of the new corporation, which shall not be larger in amount than the aggregate amount of capital authorized by the charters of the respective companies thus consolidated; the manner of converting the shares of capital stock in each of said corporations, into the shares of such new corporation, with such other details as they may deem necessary to embrace in such agreement, not inconsistent with the provisions of their respective charters.

How taxed,  
&c.

Sec. 3. The said corporation so to be organized, by virtue of this act, shall continue subject to the same rate of tax as though such consolidation should not take place; and the amount of its capital and loans hereafter, upon which such taxation shall be paid, shall be such portion of the whole of its capital and loans as is actually employed in the State of Michigan, to be ascertained on or before the first day of January in each year, by the Auditor General of this State, from the annual report of said corporation, or from such other reports on oath as he may deem necessary for such purpose, to be ordered by him from the office of such corporation.

To fence  
rail road.

Sec. 4. The said new company shall erect and maintain fences on the sides of their road, of the height and strength of a division fence required by law, with suitable openings and gates thereon, and convenient farm crossings of the road for the use of proprietors of land adjoining said railroad, and also to construct and maintain cattle guards at all public road crossings, except in cities and villages, suitable and sufficient to prevent cattle and animals from getting on to the railroad; until such fences and cattle guards shall be duly made, such railroad company and its agents shall be liable for all damages which shall be done by their agents or engines to cattle, horses, or other animals thereon, and for all other damages consequent upon their refusal or neglect to maintain fences as aforesaid; and after such fences and guards shall be duly made and

Liable for  
damages to  
animals till  
road is  
fenced, &c.



maintained, said company shall not be liable for any such damages, unless negligently or wilfully done; and if any person shall ride, lead or drive, any horse or animal on such road, and within such fences or guards, other than road crossings, without the consent of such company, he shall, for every such offence, forfeit a sum not exceeding ten dollars, and shall pay all damages which shall be sustained thereby, to the party aggrieved.

Penalty for leading, driving, &c., animals on railroad.

Sec. 5. The said new corporation, so to be formed by such consolidation, shall at all times carry freight and persons to and from all its depots, way-stations, and other places where it is accustomed to receive or deliver such freight or persons, with all practicable dispatch, without any favoritism or partiality whatsoever, (and as near as may be) shall forward from each of such depots, way-stations, or places, in the order it is received thereat respectively, when desired by the owner thereof, all freight delivered to it for transportation; and in case of any neglect in either of the particulars before mentioned, said company shall be liable for all damages occasioned thereby to the owner of the property so delivered for transportation, in any form of action such owner may select; and said company shall in no case give any precedence or preference whatsoever in the time of transportation to through freight over way freight; and in case any such preference or precedence is given, said company shall be liable to a like action and damages therefor; and it shall also be liable to a like action and damages for all delays in the transportation of property, unless such delay shall be caused without any default, neglect, or wrongful act whatsoever, on the part of such corporation, or its agents or employees; and when an action for damages is given in this section, the party injured may sue for, and said company shall be liable for a penalty of one hundred dollars, instead of such action, at the election of the party owning any such property.

Duty in conveying freight and passengers, &c.

Liable for damages in certain cases.

Sec. 6. This act shall take effect whenever the said companies shall accept the same, and their acceptance in writing, signed by the president and secretary of said companies, under their corporate seals, shall be filed in the office of the Secretary of State.

When this act to take effect.

Approved February 13, 1855.

[ No. 139. ]

AN ACT to amend an act entitled "an act to authorize the sale of the Central Railroad, and to incorporate the Michigan Central Railroad Company," approved March 28, 1846.

Act No. 48  
of 1868  
amended.  
Company  
authorized  
to increase  
capital stock.

SECTION 1. *The People of the State of Michigan enact, That* the Michigan Central Railroad Company, by a vote of its directors or a majority thereof, may increase its capital stock from time to time, to an amount necessary to cover the cost of the construction, completion, equipment, operating and keeping up of their road, and its connections, and to lay down a double track, for the same and both, within and without said State; and also to issue their bonds from which to pay any debts incurred or to be incurred for such purposes, in such sums and at such rates of interest as such directors or a majority thereof may determine; and the said stock and bonds to sell and dispose of at such rates as they can, and as said directors or a majority thereof may approve; and said directors or a majority thereof may, under such regulations as they may adopt, confer on the holders of such bonds the right to convert the principal due thereon into the stock of the company.

May issue  
bonds.

May make  
contract  
with other  
companies.

Sec. 2. The directors of said Michigan Central Railroad Company, or a majority of them, may make business contracts and arrangements with any railroad company now or hereafter to be organized within or without this State for transportation of persons and property, and for operating the road of any such company, or for any such company operating on the road of said Michigan Central Railroad Company, and for the distribution of mutual receipts and earnings, or other compensations, as may be agreed upon; and the said Michigan Central Railroad Company may acquire and hold in fee or otherwise, lands and buildings within and without this State, for depot and storage purposes, for the convenience of the public, and which may be necessary for the purposes of said corporation.

To fence  
road, &c.

Sec. 3. Said Michigan Central Railroad Company shall erect and maintain fences on the sides of their road, of the height and strength of a division fence required by law, with suitable openings and gates thereon, and convenient farm crossings of the road for the use of the proprietors of lands adjoining such railroad, and also to construct and maintain cattle guards at all road crossings, except in cities and villages,

Cattle  
guards, &c.

suitable and sufficient to prevent cattle and animals from getting on to the railroad; until such fences and cattle guards shall be duly made, said Michigan Central Railroad Company and its agents shall be liable for all damages which shall be done by their agents to cattle, horses or other animals thereon, and for all other damages consequent upon their refusal or neglect to maintain fences as aforesaid; and after such fences and guards shall be duly made and maintained, said company shall not be liable for any such damages, unless negligently or wilfully done; and if any person shall ride, lead or drive any horse or animal on such road, and within such fence or guards, other than farm crossings, without the consent of said company, he shall, for every such offence, forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby, to the party aggrieved.

*Liability for damages to animals till road is fenced.*

Sec. 4. This act shall take effect and be in force upon acceptance thereof by said company, and the filing of such acceptance in the office of the Secretary of State.

*When this act to take effect.*

Approved February 13, 1855.

[ No. 140. ]

AN ACT to authorize the consolidation of the Detroit and Pontiac, and the Oakland and Ottawa Railroad Companies, so as to form a continuous line from Detroit to Lake Michigan, under the name of the Detroit and Milwaukee Railway Company.

SECTION 1. *The People of the State of Michigan enact, That* the Detroit and Pontiac Railroad Company shall be known hereafter by the name of the Detroit and Milwaukee Railway Company.

*Corporate name changed.*

Sec. 2. The capital stock of said company may be increased by said company, from time to time, to an amount not exceeding ten millions of dollars, in such manner as may be determined by the board of directors of said company.

*May increase capital stock.*

Sec. 3. The said company is hereby authorized, for the purpose of forming a continuous line, to purchase all the property, rights and franchises of the Oakland and Ottawa Railroad Company, upon such terms as shall be mutually agreed upon; and the stockholders of the said Oakland and Ottawa Railroad Company shall, in case of sale, become

*Authorized to purchase rights, &c., of Oakland and Ottawa R. R. Co.*

stockholders of said Detroit and Milwaukee Railway Company, in such proportions as may be agreed upon in the terms of sale; and the said Oakland and Ottawa Railroad Company shall thereupon become merged in the said Detroit and Milwaukee Railway Company.

To be sub-  
ject to char-  
ter of De-  
troit and  
Pontiac R.  
R. Co., &c.

Sec. 4. In case of the said purchase or consolidation, the said Detroit and Milwaukee Railway Company shall hold the whole of said road and property, subject in all respects to the original charter of the Detroit and Pontiac Railroad Company, as amended from time to time, and shall have full power and authority to exercise the powers, privileges and franchises, granted by said charter, over the whole line of said roads and property, in like manner as if both of said companies had originally been incorporated under said charter.

Contracts &  
liabilities  
preserved.

Sec. 5. All dues, demands, contracts and liabilities of the Oakland and Ottawa Railroad Company shall be and remain in force against the Detroit and Milwaukee Railway Company in like manner as if originally incurred by said company; and all rights of creditors and all liens upon the property of either of said corporations shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist, so far as may be necessary to enforce the same.

Funding  
suits, &c., to  
be contin-  
ued in name  
of new cor-  
poration.

Sec. 6. All suits and proceedings of whatever name or nature, where- in the said Oakland and Ottawa Railroad Company is concerned, or in anywise interested, shall continue, and the name of said Detroit and Milwaukee Railway Company shall be used therein, in lieu of the name of said Oakland and Ottawa Railroad Company; and said Detroit and Milwaukee Railway Company shall be bound in like manner, as if originally named in said suits or proceedings; and all deeds, mortgages and other instruments, and all claims, dues and rights whatsoever, belonging to the Oakland and Ottawa Railroad Company, shall, after said sale, be deemed and held in law, to enure and belong to said Detroit and Milwaukee Railway Company, in like manner as if the same had originally been made or belonged to said last named company.

May issue  
bonds,  
mortgage  
road, &c.

Sec. 7. And the said company, for the purpose of providing means for the finishing of said road and appurtenances, may issue their corporate bonds or obligations for such sums, not less than one hundred dollars, upon such terms and rates of interest as it may determine, and may secure the same by a mortgage of the road or other property of

said company; and in case of a sale thereof at a discount, the same shall be as valid and effectual as if they had been sold at their par value.

Sec. 8. Any other railroad company which may exist under any of the laws of this State, shall have the right to cross the track of, unite, intersect or connect with, the railroad of this company, at any point on its route, with the necessary turn-outs, sidings, switches and other conveniences, in furtherance of the object of its connections; and the said company is authorized to make such business arrangements with other companies as they may mutually agree upon. In case the crossings and connections cannot be agreed upon, then there shall be three commissioners appointed by the circuit court of the county where such crossing or connection is desired to be made, or a jury of twelve freeholders, if either company desire it, shall be drawn from the petit jury box of the county where the crossing or connection is proposed to be made, in the same manner as jurors are drawn for the circuit court, upon such notice to the opposite party as the circuit court of said county shall prescribe, whose duty it shall be to determine how the said road shall be crossed, and to assess the just compensation to be paid by either or both of said companies; which sum so assessed shall be paid or tendered to said company; and when the sum shall be so paid or tendered to said company, such other railroad company shall have the right to make and complete such crossings and connections in the manner determined by said commissioners, or by said jury.

*Interesting and uniting with other railroads.*

*When commissioners or jury to be called upon to assess damages.*

Sec. 9. The said company shall, on or before the first day of July, pay the State Treasurer an annual tax of one per cent. on the capital stock of said company paid in, which tax shall be in lieu of all other taxes, except for penalties imposed upon said company by its act of incorporation, or any other law of this State. The said tax shall be estimated upon the last annual report of said corporation.

*Tax to be paid by company.*

*How estimated.*

Sec. 10. This act shall take effect and be in force whenever the same shall have been accepted by the Detroit and Pontiac Railroad Company, and by the Oakland and Ottawa Railroad Company, at meetings of the stockholders called for that purpose, notice of which meetings shall be given at least thirty days previous thereto, by publication in some newspaper published in the city of Detroit and in the village of Pontiac; and it shall require the vote of two-thirds of the stock of each

*When this act to take effect.*

*Notice to be published.*

of said companies to make such acceptance valid; and in case of such acceptance, each of said companies shall file a certificate thereof in the office of the Secretary of State, within three months after such acceptance; and notice of such acceptance shall also be published in some newspaper published in the city of Detroit.

Approved February 13, 1855.

[ No. 141. ]

AN ACT to establish a State road in the county of Saginaw, Tuscola, Lapeer and Genesee.

Governor to  
appoint  
commissioners.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Governor of this State to appoint three commissioners to lay out and establish a State road from the village of Lower Saginaw, in the county of Saginaw, on the most direct and eligible route, via the village of Vassar, in the county of Tuscola, to the village of Goodrich, in the county of Genesee.

Duty of  
commissioners.

Sec. 2. It shall be the duty of said commissioners forthwith to assemble and proceed to lay out and establish said road, and cause the same to be surveyed, and cause a description thereof to be filed with the township clerk of each of the respective townships on the line thereof, so far as said road shall run through each of the respective townships, whose duty it shall be to record the same, and such record shall be prima facie evidence of the existence of said road.

Survey to be  
filed and re-  
corded in  
townships.

Right of  
way thro'  
townships,  
&c.

Sec. 3. The proper authorities of each of the several towns through which said road shall run, may grant to a plank road company or companies, the right of way, and such right of way may be required by any such company, in the same manner and form as is now provided by law in similar cases.

Right of way  
through  
State lands  
granted.

Sec. 4. The right of way for any such road, through any lands belonging to the State, be and is hereby granted and confined to the township in which such lands shall lie.

Compensa-  
tion of com-  
missioners.

Sec. 5. The said commissioners shall be paid each the sum of one dollar and fifty cents per diem for their services, and the same shall be paid by the respective townships: *Provided*, No township shall pay to said commissioners for any services or time rendered or expended in any other township.

Sec. 6. The State shall not be liable for any expenses incurred, or <sup>State not</sup> damages sustained, by reason of this act; and in case the road men- <sup>liable for</sup> expenses or <sup>damages.</sup> tioned in this act shall not be laid out and established within three (3) <sup>Limitation.</sup> years from the passage of this act, the provisions therein contained shall be void.

Approved February 13, 1855.

[ No. 142. ]

AN ACT to re-arrange the Senate Districts in this State.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Division of</sup> <sup>State into</sup> <sup>Senate dis-</sup> <sup>tricts.</sup> this State shall continue to be divided into thirty-two Senate districts, and each district entitled to one Senator, which shall be constituted as follows, to-wit:

1. The first district shall consist of the third, fourth and seventh wards in the city of Detroit, and the townships of Hamtramck and Grosse Point, in the county of Wayne; the election returns shall be made to the county clerk's office in said county;

2. The second district shall consist of the second, fifth and sixth wards of the city of Detroit, in the county of Wayne; the election returns shall be made to the county clerk's office in said county;

3. The third district shall consist of the first and eighth wards of the city of Detroit, and the townships of Greenfield, Springwells, Ecorse and Monguagon, in the county of Wayne; the election returns shall be made to the county clerk's office in said county;

4. The fourth district shall consist of the townships of Plymouth, Livonia, Redford, Dearborn, Nankin, Canton, Van Buren, Romulus, Taylor, Brownstown, Huron and Sumpter, in the county of Wayne; the election returns shall be made to the county clerk's office in said county;

5. The fifth district shall consist of the townships of Oxford, Orion, Pontiac, Bloomfield, Southfield, Royal Oak, Troy, Avon, Oakland, Addison and Farmington, in the county of Oakland; the election returns shall be made to the clerk's office of said county;

6. The sixth district shall consist of the townships of Lyon, Novi, Milford, Commerce, West Bloomfield, Highland, White Lake, Water-

ford, Rose, Springfield, Independence, Holly, Groveland and Brandon, in the county of Oakland; the election returns shall be made to the clerk's office of said county;

7. The seventh district shall consist of the city of Ann Arbor, the townships of Superior, Salem, Ann Arbor, Northfield, Scio, Webster, Lima, Dexter, Sylvan and Lyndon, in the county of Washtenaw; the election returns shall be made to the clerk's office of said county;

8. The eighth district shall consist of the townships of Ypsilanti, Augusta, Pittsfield, York, Lodi, Saline, Freedom, Bridgewater, Sharon and Manchester, in the county of Washtenaw; the election returns shall be made to the clerk's office of said county;

9. The county of Monroe shall be the ninth district;

10. The tenth district shall consist of the second and third wards of the city of Adrian, the townships of Adrian, Franklin, Cambridge, Rome, Rollin, Woodstock, Hudson, Doan, [Dover,] Medina and Seneca, in the county of Lenawee; the election returns shall be made to the clerk's office of said county;

11. The eleventh district shall consist of the first and fourth wards of the city of Adrian, the townships of Madison, Fairfield, Ogden, Rigga, Palmyra, Blissfield, Raisin, Ridgeway, Macon and Tecumseh, in the county of Lenawee; the election returns shall be made to the clerk's office of said county;

12. The county of Jackson shall be the twelfth district;

13. The county of Calhoun shall be the thirteenth district;

14. The county of Hillsdale shall be the fourteenth district;

15. The county of Branch shall be the fifteenth district;

16. The county of St. Joseph shall be the sixteenth district;

17. The county of Cass shall be the seventeenth district;

18. The county of Berrien shall be the eighteenth district;

19. The counties of Van Buren and Allegan shall constitute the nineteenth district; the election returns shall be made to the clerk's office of the county of Van Buren;

20. The county of Kalamazoo shall be the twentieth district;

21. The counties of Barry and Eaton shall constitute the twenty-first district; the election returns shall be made to the clerk's office of the county of Eaton;

22. The counties of Ingham and Clinton shall constitute the twenty-



second district; the election returns shall be made to the clerk's office of the county of Ingham;

23. The county of Livingston shall be the twenty-third district;

24. The county of Genesee shall be the twenty-fourth district;

25. The county of Macomb shall be the twenty-fifth district;

26. The county of St. Clair shall be the twenty-sixth district;

27. The counties of Lapeer, Sanilac, Tuscola and Huron, shall constitute the twenty-seventh district; the election returns shall be made to the clerk's office of the county of Lapeer;

28. The twenty-eighth district shall consist of the counties of Shiawassee, Saginaw, Midland, Gladwin, Aronac, Roscommon, Ogemaw, Iosco, Alcona, Oscoda, Crawford, Otsego, Montmorency, Alpena, Presque Isle, Wyandott, Charlevoix, Emmet and Cheboygan; the election returns shall be made to the clerk's office of the county of Saginaw;

29. The county of Kent shall be the twenty-ninth district;

30. The counties of Ionia, Montcalm, Gratiot, Isabella, Mecosta, Ocola and Clare, shall constitute the thirtieth district; the election returns shall be made to the clerk's [office] of the county of Ionia;

31. The thirty-first district shall consist of the counties of Ottawa, Newaygo, Oceana, Lake, Mason, Grand Traverse, Wexford, Missaukee, Kalkaska, Omeena, Leelanaw, Antrim and Manistee; the election returns shall be made to the clerk's office of the county of Ottawa;

32. The thirty-second district shall consist of the counties of Mackinaw, Chippewa, Marquette, Schoolcraft, Delta, Houghton and Ontonagon, and the islands and territory thereto attached, the islands of Lake Superior and Michigan, and in Green Bay and the Straits of Mackinaw and the river Ste Marie; the election returns shall be made to the clerk's office of the county of Chippewa. The election returns of each county forming one district, shall be made to the seat of justice of such county. Returns, where made, &c.

Approved February 13, 1855.

[ No. 143. ]

AN ACT to provide for the collection of taxes in the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-four, and to extend the time for the collection of the same.

**Tax roll legalized.** SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-four, be and the same is hereby declared to be as legal and valid as if the same had been made out and delivered to the township treasurer at the time prescribed by law.

**Treasurer to file bond, &c.** Sec. 2. That the said treasurer of said township of Marquette file his bond, as required by law, within five days after the reception of said tax roll, and before he proceeds to the collection of taxes.

**Time for collection extended.** Sec. 3. That the said treasurer of said township of Marquette shall have until the first day of June next in which to collect and account for the said taxes, and to make returns to the county treasurer of all unpaid taxes; and his said collections and returns shall be in all respects as valid and effectual as if made in the manner and within the time prescribed by law for the collection of the regular annual taxes.

**Transcript of unpaid taxes, how returned.** Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions shall be returned to the Auditor General as soon as practicable, and with the same effect; and such unpaid taxes so returned, shall be collected in the same manner and with interest computed from the same time as the annual taxes for the year eighteen hundred fifty-four, duly returned to the Auditor General for non-payment.

**May make returns before first of June.** Sec. 5. That nothing in this act shall be construed to prevent the said township treasurer of said township from making his returns before the said first of June, next if he shall think proper to do so.

**Effect.** Sec. 6. That this act shall take effect and be in force from and after its passage.

Approved February 18, 1855.

[ No. 144. ]

AN ACT to define the boundary between Lapeer and Tuscola counties.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries defined.  
the south half of township ten north, in ranges eight and nine east, be detached from the county of Lapeer and attached to the county of Tuscola, and that the north half of townships ten north, in ranges ten and eleven east, be detached from Tuscola county and attached to the county of Lapeer.

Sec. 2. This act shall take effect immediately.

Approved February 13, 1855.

[ No. 145. ]

AN ACT concerning Churches and Religious Societies, establishing uniform rules for the acquisition, tenure, control and disposition of property conveyed or dedicated for religious purposes, and to repeal chapter fifty-two of the revised statutes.

SECTION 1. *The People of the State of Michigan enact, That* Chapter 52 of Rev. Stat. of 1846 repealed.  
chapter fifty-two of the revised statutes of 1846, entitled "of religious societies," be and the same is hereby repealed, saving all rights which may have accrued under the same, subject to the modifications provided in this act.

Sec. 2. It shall be lawful for any number of persons of full age, not Five or more may organize and elect trustees.  
less than five, who may be desirous of forming themselves into a church, congregation or religious society, and who shall sign articles of association for that purpose, to assemble together at such place as they may select, and by a plurality of votes by ballot, elect any number of discreet persons, being laymen, not less than three nor more than nine in number, as trustees, to take charge of the property belonging to and transact all the affairs relative to the temporalities of such church, congregation or religious society.

Sec. 3. It shall be lawful for any such church, congregation or religious society, to choose their minister, priest, curate, rector, parson, or officiating clergyman, for the time being, to be the president of said corporation and of their meetings, by a vote as aforesaid; and at the first election provided for in this act, every person who shall have signed the articles, Minister, &c., may be president.

Qualifications of voters.

and at any subsequent elections every person of full age, who has for six months been a stated worshiper with, or a contributor regularly for one year previous to the support of such church, congregation or society, shall be entitled to vote.

Notice of election, how given.

Sec. 4. The minister, priest, rector, curate, parson or officiating clergyman of such congregation or society, or if none of them be present, one of the elders or deacons, church wardens or vestry-men thereof, and for want of such officers, any other person being a member or stated hearer in such church, congregation or society, shall publicly notify said congregation of the time when, and the place where any election shall be held, at least fifteen days before the day of such election, and such notification shall be given for two successive Sabbaths, on which such church, congregation or society shall statedly meet for public worship, next preceding the election.

Who to be inspectors of election, &c.

Sec. 5. Any two of the elders, deacons, church-wardens or vestry-men of such church, congregation or society, or if such officers shall not be present, then any two voters present, to be nominated by a majority of the voters, shall be inspectors of such election, receive the votes, and determine the qualifications of voters; and they shall immediately after the election certify, under their hands and seals, the names of persons elected to serve as trustees, or vestry-men; in which certificate the name by which the said trustees or vestry-men and their successors in office shall forever thereafter be known and called, shall be particularly mentioned and specified, and such trustees may in said certificate be denominated vestry-men, or church wardens and vestry-men, executive committee, or any other name stated in the certificate: *Provided always*, That they shall have all the power specified in this act, and be elected in the manner provided for in this act.

Trustees, corporate name, &c., to be certified.

Provide.

Certificate to be acknowledged.

Sec. 6. Such certificate shall be acknowledged by the persons making the same, or proved by a subscribing witness thereto before some officer authorized to take acknowledgment of deeds, and recorded, together with the certificate of such acknowledgment or proof, by the clerk of the county within which the church or place of worship of such congregation shall be situated, in a book to be provided by him for that purpose, who shall be entitled to seventy-five cents for such recording; and thereafter such trustees and their successors shall be a body corporate, by the name expressed in such certificate.

County clerk to record certificate.

Body corporate.

Sec. 7. Such trustees may have a common seal, and may alter the same at pleasure; and they may take into their possession and custody all the temporalities of such church, congregation or society, whether the same shall consist of real or personal estate, and whether the same may have been given, granted or devised, directly or indirectly, to such church, congregation or society, or to any other person or persons for their use.

Trustees to take possession of property

Sec. 8. Such trustees may, also, in their corporate name, sue and be sued in all courts and places; and they may recover and hold all the debts, demands, rights and privileges, all churches, buildings, burying places, and all the estate and appurtenances belonging to such church, congregation or society, in whatsoever manner the same may have been acquired, or in whose hands soever the same may be held, as fully and amply as if the right and title thereto had been originally vested in said trustees; and they may hold moneys or personal estate, raised or acquired for the purpose of erecting churches, or houses of residence for their minister or priest, or for the purchase of burial ground, for a period not exceeding one year before investment thereof, and not exceeding the value or amount of twenty thousand dollars; and they may hold for a period not exceeding three years, any land which may be lawfully conveyed to them not exceeding five thousand dollars in value, to be sold for the purpose of raising a fund for erecting, repairing or improving a church or churches, or other building aforesaid, or for the purchase or improvement of any cemetery or burial ground. But all such lands shall revert to the donor or grantor, his or her heirs or assigns, if not disposed of within the time aforesaid.

Rights and powers of trustees.

When land shall revert.

Sec. 9. The said trustees or wardens and vestry-men shall also have authority, under the direction of the society or congregation, to erect churches and meeting houses, dwelling houses for their ministers or priests, and other buildings for the direct and legitimate use of their church, congregation or society, to alter and repair the same, but for no secular purposes.

May build meeting houses, &c.

Sec. 10. They shall also have authority to make rules and orders for managing the temporal affairs of such church, congregation or society, and to dispose of all moneys belonging thereto, and to order and regulate the renting of pews or slips in their meeting houses and churches, and the perquisites for the breaking of the ground and burial of the

To manage the temporal affairs of church.

dead in the cemetery or church yard, and in the said churches or meeting houses.

Appoint certain officers, regulate their fees, &c.

Duty of clerk.

Sec. 11. They may appoint a clerk and a treasurer of their board, and a collector to collect their rents and revenues, and may regulate the fees to be allowed such clerk, treasurer and collector, and may remove them and appoint others in their stead, at pleasure; and such clerk shall enter all rules and orders made by such trustees, and payments ordered by them, in a book to be procured by them for that purpose.

Meeting of trustees, how called, &c.

President to have casting vote.

Sec. 12. Any two of the trustees may at any time call a meeting of the trustees, and a majority of them, being lawfully convened, shall be competent to do and perform all matters and things which such trustees are authorized to do and perform; and said trustees may elect the minister, priest, curate, rector, parson, or officiating clergyman of said society, for the time being, to preside at such meetings, who shall have no vote except in case of a tie of the board, when he shall have a casting vote.

Term of office, classification, &c.

Sec. 13. The said trustees shall hold their offices for three years; and immediately after their first election, as hereinbefore provided, the said trustees shall be divided by lot into three classes, numbered one, two and three; and the seats of the first class shall be vacated at the end of the first year, of the second class at the end of the second year, and of the third class at the end of the third year, to the end that, as near as may be, one-third part of the whole number of the trustees may be annually chosen: *Provided however*, That any persons entering into articles of association, as aforesaid, may provide in said articles for the election of the whole board of trustees once in each year, at such time as they may appoint, in the manner above prescribed, and said whole number may be elected in conformity to such provisions.

Articles may provide for annual election of whole board of trustees.

Clerk to notify minister, &c.

Sec. 14. It shall be the duty of the clerk of said trustees, at least one month before the expiration of the office of any of said trustees, to notify the same in writing, to the minister, priest, curate, rector, parson or officiating clergyman, or in case of his death or absence, to the elders or church wardens, or if there be no elders or church wardens, then to the deacons or vestry-men of any such church, congregation or society, specifying in such notice the names of the trustees whose office will expire; and the minister, priest, curate, rector, parson, or other officer re-

ceiving such notice, shall, in manner aforesaid, notify the members of such church, congregation or society, of such vacancies, and appoint the time and place for the election to supply the same.

Minister to notify members and appoint election.

Sec. 15. Such election shall be held at least six days before vacancies shall occur as aforesaid; and all such subsequent elections shall be held and conducted by the like persons, and in the same manner, as herein-

Election to be held six days before expiration of term.

before provided for the first election; and in case any vacancy shall occur by the death of a trustee, his refusal to act or removal from the society before his term of office expires, or otherwise, notice thereof shall be given as aforesaid, and an election shall be held and another trustee chosen in his stead for the remainder of his term.

Vacancies to be filled for remainder of term.

Sec. 16. No person belonging to any such church, congregation or society, incorporated under the provisions of this act, shall be entitled to vote at any election after the first, until he shall have been an attendant on public worship in such church, congregation or society, at least six months next before such election, and shall have contributed to the support of such church, congregation or society, according to the usages and customs thereof.

Certain persons not entitled to vote.

Sec. 17. The clerk of the trustees shall keep a register of the names of all such persons as shall desire to become stated hearers in the said church, congregation or society, and shall therein note the time when such request was made; and the said clerk shall attend all subsequent elections, in order to test the qualifications of such voters, in case they shall be questioned.

Clerk to register names of stated hearers, &c.

Sec. 18. Nothing in this act contained shall be construed to give such trustees the power to fix or ascertain the salary, or compensation to be paid, any minister or priest, curate, rector or parson, but the same shall be ascertained and fixed by a majority of such society, entitled to vote at the election of trustees.

Not to fix salary.

Sec. 19. It shall be lawful for the circuit court for the county in which any such religious corporation shall have been constituted, on the application of such corporation, if such court shall deem it proper, to make an order for the sale of any real estate belonging to such corporation, and to direct the application of the moneys arising therefrom, to such uses as the said corporation, with the approbation of said court, shall conceive to be for the interest of such corporation: *Provided*, That no such sale shall be authorized by the court, in any case where it

Court may grant order of sale in certain cases.

Provide.

would be inconsistent with the express terms or plain intent of the grant, donation, conveyance or devise, by which the same was conveyed or devised to or for the use of such church, congregation or society, prior to the passage of this act.

Notice of application for order.

Sec. 20. At least thirty days previous notice of any such application to the circuit court shall be given, by publishing the same in some newspaper published in the county, if one be there published, if not, by posting up notices in three or more public places in such county.

Lands, &c., to be held in trust.

Sec. 21. All lands, tenements and hereditaments, that have been or may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to any persons as trustees in trust, for the use of any church, congregation or religious society, organized, or which may be hereafter organized within this State, either for a meeting house, burial ground, or for the residence of a preacher or priest, shall vest and descend, with the improvements, in perpetual succession to, and shall be held by, the trustees provided for in this act, in trust for such church, congregation or society.

No officer of any church to hold property in official capacity.

Sec. 22. No bishop, vicar, rector, parson, curate, priest, deacon, or other officer of any church, religious body, order, society, or association; no superior or other officer or member, male or female, of any religious order, ecclesiastical or lay, nor of any ecclesiastical, educational or charitable institution or establishment, shall, in consequence of such office or membership, or in the character or capacity of such officer or member, have, possess or exercise, any power, capacity or franchise, of a corporation sole, so far as relates to the taking, holding, managing, selling or transmitting property; and every gift, grant, devise, bequest, conveyance or lease of any real estate, or any interest therein, or any use or benefit to arise therefrom, or of money, or of other property to be invested therein or to arise therefrom, hereafter made or attempted to be made, by deed, will, or otherwise, to any such officer or member, by his or her name or office or membership, or in the character of such officer or member, shall be utterly void, to all intents and purposes; and no corporation for religious, ecclesiastical, educational or charitable purposes, shall be recognized as existing by the common law, the canon law, or by prescription, or in any other manner, except by express statute of this State: *Provided*, That this section shall in no way invalidate any right of property, or right of action heretofore vested: *And provided fur-*

Certain grants, &c., void.

No ecclesiastical corporations at common law, &c.

Previous.



ther, That this section is not intended as any implication or admission of any previous corporate capacity incident to such official character or membership, as herein above mentioned.

Sec. 23. Neither the canon law, nor the decrees, nor any decree or order of any ecclesiastical council or body, nor any custom or usage founded thereon, nor any custom or usage of any church, congregation or religious society, or religious order, shall hereafter be recognized or enforced in this State, so far as such law, usage or custom, shall relate to the acquisition, the tenure, or the control or disposition of any real estate, or any interest therein, or any use or trust connected or to be connected therewith: *Provided, nevertheless,* That this section shall not in any manner impair or invalidate any grant, devise, or other conveyance heretofore made, nor shall this section be construed as a recognition of the prior legality or obligation of such law, usage or custom, in this State.

No ecclesiastical law or custom to be recognized in the tenure of real estate, &c.

Not impair or affect existing obligations, &c.

Sec. 24. Every devise, gift or bequest of real estate, or any interest therein, or money or other property to be invested therein, or to arise from the proceeds thereof, or of any benefit, use or trust to be connected therewith, hereafter made or attempted to be made by last will or testament, shall be void, so far as such devise, gift or bequest, shall be or purport to be made directly or indirectly to, or for the use of any church, congregation, religious order or religious society, or to or for the use of any ecclesiastical, educational or eleemosynary institution connected or to be connected with, or under the control or direction of, any such church, congregation, order or society, or under the control or direction, or subject to the visitatorial power of any officer or officers, or other authority of such church, congregation, order or society, in his, her or their official or ecclesiastical capacity, unless such will shall have been duly executed, and shall have remained, for at least two months prior to the death of the testator, without alteration or codicil, on file with the judge of probate of the county in which the testator may reside; and no donation, or gift, or other transfer by deed, lease, or other form of conveyance, not testamentary, without valuable or pecuniary consideration to a reasonable amount, of any lands or real estate or any interest therein, or moneys to arise therefrom, or be invested therein, hereafter made or attempted to be made to or for the use of either or any of the parties, for any or either of the purposes in this section above men-

Certain bequests to be void.

Certain deeds, &c., to be void.

tioned, shall be valid for any purpose whatever, unless such deed or other conveyance shall have been duly executed and acknowledged, and recorded in the office of the register of deeds for the proper county, for at least two months prior to the death of the grantor or donor.

Certain legacies, &c., to be void.

Sec. 25. Every gift, bequest, legacy or donation of any money or personal property, to the amount of one hundred dollars or more, hereafter made or attempted to be made, by last will or testament, to or for the use of any or either of the parties, or for any or either of the purposes mentioned in the last preceding section, shall be utterly void, if such last will or testament shall be made during the last sickness of the testator or testatrix; and no gift, bequest, legacy or donation of money or personal property, to the amount of one hundred dollars or more, shall in any case be valid, if made by the last will and testament, unless such last will and testament shall be proven in open court by the testimony of three subscribing witnesses, nor unless it shall clearly appear by the testimony of said witnesses that the whole will was read to, or by the person executing the same, in their presence, and fully understood by the testator before the execution thereof, and that the same was executed at the time when it bears date.

Certain conveyances to be void unless made to corporation, &c.

Sec. 26. No grant, conveyance, devise or lease, of any real estate, dedicated or appropriated to the purposes of religious worship, or for any religious or ecclesiastical purposes, or appearing to be intended to be managed or controlled by any congregation or society, or any officer or officers thereof, in his or their official capacity, shall hereafter vest any right, title or interest, in any person or persons to whom such grant, conveyance, devise or lease may be made, unless the same shall be made to a corporation organized under some statute of this State, or of the late territory of Michigan, or under the provisions of this act, or some act hereafter passed, amending or altering the same.

Existing societies confirmed, subject to this act.

Sec. 27. Every church, congregation or religious society, heretofore incorporated in pursuance of any statute of this State or of the late territory of Michigan, and not since dissolved, shall be, and is hereby established and confirmed, subject, nevertheless, to the provisions of this act, so far as they may be constitutionally subjected thereto, without impairing rights heretofore legally vested. And all vacancies which may hereafter occur in the office of trustee of any church or religious

society, heretofore incorporated under any statute of this State or of the late territory of Michigan, shall be filled by an election, as provided for the filling of vacancies in such office under this act; and in case of the dissolution of any such corporation, or of any corporation hereafter to be formed, in pursuance of the provisions of this act, for any cause whatever, the same may be incorporated under the provisions of this act, at any time within six years after such dissolution, and thereupon all the estate, real and personal, formerly belonging to the same, and not lawfully disposed of, shall vest in such corporation, as if there had been no dissolution.

Certain vacancies may be filled and societies re-organized under this act.

Sec. 28. The provisions of this chapter shall apply to all churches, religious congregations, religious societies, religious and ecclesiastical orders, and every association of persons for religious purposes.

To apply to all religious societies, &c.

Approved February 13, 1855.

[ No. 146. ]

AN ACT to amend an act entitled "an act to incorporate the Plymouth and Dearborn Plank Road Company," approved March 20th, 1850.

SECTION 1. *The People of the State of Michigan enact, That* the Plymouth and Dearborn Plank Road Company be and they are hereby authorized to take up, change, locate and relocate two miles or thereabouts of the south-easterly end of their plank road, and to take and remove from said two miles of said road the plank thereon: *Provided,* The highway from which they shall remove the plank, as aforesaid, shall be left by said company in as good condition and repair as when said company took possession of the same, under their charter.

Company authorized to remove part of their road, &c.

To leave highway in repair, &c.

Sec. 2. Said company shall have power to lay out, establish and construct a plank road so as to form a continuous road [with the road] of said Plymouth and Dearborn Plank Road Company, towards the city of Detroit, until it shall intersect the Detroit and Saline Plank Road; and to build, construct and maintain said road, and all necessary building and appurtenances, commencing at or near the two mile stake upon the road of said Plymouth and Dearborn Plank Road Company, and may take the most eligible route in an easterly direction, until said route shall intersect the Detroit and Saline Plank Road.

Authorized to extend their road.

Authorized  
to take a  
certain  
highway.

Sec. 3. The board of directors of said company are hereby authorized to enter upon and take possession of so much of the public highway leading from said point near the two mile stake aforesaid, to said point of intersection with said Detroit and Saline Plank Road, as they may deem necessary, and may construct and maintain thereon a plank road: *Provided*, That during the construction of said road the said company shall not improperly obstruct the usual travel on said highway.

Right of  
way on private  
property,  
how obtained.

Sec. 4. If it shall be necessary for said company, in the selection of the route for the construction of the road hereby authorized, to cross the land of any individual, or to lay the same upon or across any lands except a public highway, the right to take, use and occupy such land may be obtained in the same manner and with like effect as by companies organized under "an act to provide for the formation of companies to construct plank roads," approved April 8th, 1851.

When this  
act to take  
effect.

Sec. 5. This act shall be in force when said company shall assent thereto, and file their acceptance in writing with the Secretary of State.

Approved February 13, 1855.

[ No. 147. ]

#### AN ACT to incorporate the city of Flint.

Boundaries  
of the city  
of Flint.

SUMMON 1. *The People of the State of Michigan enact*, That so much of the township of Flint, in the county of Genesee, as is included in the following limits, to-wit: Beginning on the left bank of Flint River, at the junction of the Thread River, running thence up said Thread River to the Saginaw road, so called; thence east on the south line of section eighteen, town seven north, of range seven east, to the south-east corner of said section eighteen; thence north to the north line of the northern wagon road, so called; thence north-westerly along said north line to the south-easterly line of the McNeal west sub-division; thence so as to include the whole of said west sub-division; thence from the south-easterly corner of land known as the Stevens purchase, and now belonging to Benjamin Pierson, north-westerly to the southerly line of the Richfield road, so called, passing the burying ground in

Flint; thence north-easterly on said line to a point opposite the easterly corner of said burying ground; thence north-westerly to the northerly corner of said burying ground; thence south-westerly to the westerly corner of said burying ground; thence north-westerly to Flint River; thence down the centre of said river to the place of beginning; also, so much of the said township of Flint as is included in the following limits, to-wit: Beginning on the right bank of Flint River, opposite the island <sup>1814</sup> at the junction of Flint and Thread Rivers, at the spring where C. S. Payne has a hydraulic ram; thence north to the line between sub-division lots thirteen and fourteen, of great lots or sections three and four, of Smith's reservation; thence along said line to the line between great lots or sections two and three, of Smith's reservation; thence due north to Detroit street extended; thence along said street to the north line of sub-division lot five, of a part of great lot two, according to the recorded plat; thence east along said line to the Saginaw plank road; thence south along the line of said plank road to Alexander McFarlan's north line; thence east along said line to the Flint River; thence down the centre of said river to the place of beginning, be and the same is hereby set off from said township, and declared to be a city, by the name of the "City of Flint."

Sec. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue to be a body corporate and politic, <sup>Corporate name and powers.</sup> by the name of the "mayor, recorder and aldermen, of the city of Flint," and by that name they shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits: they may have a common seal, which they may alter at pleasure; and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

Sec. 3. The said city shall be divided into three wards, as follows: <sup>wards.</sup> The first ward shall embrace all that portion of the city lying north of <sup>First.</sup> Flint River; the second ward shall embrace all that portion of the city <sup>Second.</sup> lying south of Flint River, and east of the centre of Saginaw street; and the third ward shall embrace all that portion of the city lying south of <sup>Third.</sup> Flint River, and west of the centre of Saginaw street: *Provided*, That <sup>wards may be altered.</sup> the common council may at any time alter the bounds of either of said wards.

Officers to  
be elected.

Sec. 4. The following officers shall be chosen in and for said city, to wit:

One mayor, one recorder, who shall be *ex officio* school inspector, one supervisor, one treasurer, who shall be *ex officio* collector, one marshal, two school inspectors, two directors of the poor, and four justices of the peace, who shall be elected in the following manner, to wit: The mayor, recorder, treasurer and marshal shall be elected annually, and shall hold their offices for one year, and until their successors shall be elected and qualified. There shall also be elected annually one school inspector, and one director of the poor, for the term of two years, and until their successors shall be elected and qualified: *Provided*, That at the first election there shall be elected two school inspectors, and two di-

Terms of  
office.

Certain offi-  
cers to be  
classified.

Justices of  
the peace.

Term, &c.

rectors of the poor: *And provided, also*, That immediately after said first election the common council shall meet and determine by lot which of the school inspectors, and which of the directors of the poor, so elected, shall serve for one year, and which for two years. There shall also be elected annually one justice of the peace, who shall hold his office for four years, and until his successor shall be elected and qualified: *Provided*, That at the first election under this act, so many justices of the peace shall be chosen as may be necessary to fill all vacancies which may then exist in the office of justice of the peace in the township of Flint, so that there shall be four of said justices in said city, including those who have been elected in said township, and who shall continue to hold their said offices until the expiration of the term for which they were elected; they shall have like powers and be subject to the same duties and liabilities as justices of the peace in the several townships of this State.

Ward offi-  
cers to be  
elected.

Term

Two alder-  
men, &c.

Sec. 5. There shall also be elected at the same time, in and for the several wards in said city, one assessor, one street commissioner, and one constable, who shall hold their offices for one year, and one alderman, who shall hold his office for two years, and until their successors shall be elected and qualified: *Provided*, That at the first election two aldermen shall be elected, one for the term of one year, and one for the full term of two years.

First elec-  
tion, how  
conducted.

Sec. 6. At the first election to be holden under this act, there shall be chosen, viva voce, by the electors present, in each of the several wards, two judges and a clerk of the election, who shall, before proceeding to the discharge of their duties, make an oath or affirmation

faithfully to discharge the duties of their respective offices at such election; which oath or affirmation ~~may~~ be administered by any person authorized to administer oaths. At the close of the election, the said judges and clerk, in their several wards, shall canvass the votes, and shall certify the number of votes given for each person for the several offices to be filled in and for the said ward, and who have been elected thereto; and they shall also make a certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and shall appoint one of their number a city canvasser, to meet with the canvassers of the other several wards, to determine the result of the city election; and upon the Thursday next following the day of said election, the said canvassers shall meet at some convenient place, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective offices, and the said canvassers shall certify accordingly. The said elections shall be held in the following places, to wit: That of the first ward, at the Scotch block; that of the second ward, at Lyons' hotel; that of the third ward, at the office of the county clerk: *Provided*, That the electors of either of said wards, when assembled, by a vote of the majority of those present, may adjourn the election to any other place in such ward.

Oath of inspectors.

Canvass in the wards.

City canvass.

Places of holding the election in the several wards.

Sec. 7. The annual elections under this act shall be held on the first Monday of April in each year, at such places in each of the several wards as the common council shall designate; notice of which shall be given by the recorder, at least eight days before the election, by posting the same in three public places in such ward. The assessor and aldermen of each ward shall be inspectors of such elections, and they shall also be inspectors of the State, district and county elections, and one of them shall act as clerk thereof; and in case of the absence of one or more of such inspectors, the electors may choose, viva voce, from their number one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath, by either of said inspectors, or by any justice of the peace. The manner of conducting all elections, and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that of townships; the word "ward," instead of "township," being used in the oath to be administered to an elector, in case his vote shall be challenged: *Provided*, That at such

Time, &amp;c., of annual elections.

Notice of election.

Who to be inspectors.

Oath.

Manner of conducting elections.

**Certificates of votes given.** charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for their ward, which certificate shall be immediately filed in the office of the recorder of said city; and upon the Thursday next following the day of said election, the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices. And it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected, of their election; and each of

**Common council to canvass for city officers.** said officers so elected and notified, shall, within ten days thereafter, take and subscribe the constitutional oath of office, before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: *Provided*, That in case

**Notice to persons elected.** of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk, in the same manner as is required of township clerks, and

**Oath of officers.** in case two or more shall receive for the same office an equal number, and a plurality of votes given at such election, the common council shall immediately proceed to determine by lot between the persons so receiving the highest number of votes, which shall be considered elec-

**Certificate of justices election, &c.** ted to such office. The treasurer shall, before entering upon the discharge of his duties, give such security to the common council as they

**In case of a tie, election to be determined by lot.** shall direct; and in case any of the officers so elected shall neglect for the term of ten days to qualify as aforesaid, or to give security, the office shall thereby become vacant.

**Treasurer to give security.**

**When office vacant.**

**Common council, how constituted.** Sec. 8. The mayor, recorder and aldermen, when assembled together and organized, shall constitute the common council of the city of Flint, and a majority of the whole (the mayor or recorder always being one)

**Quorum.** shall be necessary to constitute a quorum for the transaction of business, (but a less number may adjourn from time to time;) and the

**Meetings of council.** common council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence or inability from any cause to act, the recorder may appoint; the common council shall have

**Fines for non-attendance.** power to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of



any officer of the corporation who has been duly notified to attend the same. The mayor shall preside at all meetings of the common council, and the recorder shall keep a record of the proceedings thereof. In case of the absence of the mayor or recorder from any meeting, the members present may appoint a president or recorder *pro tempore*.

Sec. 9. The common council shall have power to appoint an attorney for the city, and a chief engineer for the fire department, and such other officers, whose election is not herein specifically provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure; they shall also have power to remove the marshal, treasurer, or street commissioners, for any violation of the ordinances of the common council; and in case of the death, resignation, or removal from office, or neglect to qualify, or removal from the city, or from the ward for which he has been elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year; and all officers so appointed shall be notified and qualified as herein directed: *Provided*, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.

Duties of mayor and recorder.

Common council to appoint certain officers.

May also remove certain officers and fill vacancies.

To order election in certain cases.

Sec. 10. The common council shall have power to organize, maintain and regulate a police of the city, and to make all such by-laws and ordinances as they shall deem necessary for the preservation of the public peace; for the suppression of riots; for the apprehension and punishment of vagrants, drunkards and disorderly persons; to suppress all disorderly houses, and houses of ill-fame; to prohibit every species of gaming; for the prevention and abatement of all nuisances within the limits of the city; to prevent the selling or giving away of any spirituous or fermented liquors to any drunkard; to regulate the keeping of gunpowder, and to prevent the discharge of every species of fire-arms; to prevent the violation of the Sabbath, and the disturbance of any religious congregation or any other public meeting assembled for any lawful purpose; to provide against and punish immoderate riding or driving in any of the streets of the city; and for the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance which may be made by them, that the person offending against the same shall forfeit

May organize and maintain city police. Establish by-laws, &c.

Offences  
against by-  
laws and or-  
dinances,  
how pun-  
ished.

and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding thirty days; or the common council may, in such by-law or ordinance, direct that the offender shall be punished by fine or imprisonment, or by both fine and imprisonment, (within the limits aforesaid,) in the discretion of the justice who shall try the offender.

Powers of  
justices of  
the peace.

Sec. 11. Any justice of the peace residing in said city of Flint, shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, to inquire into and try and determine all offences which shall be committed within said city, against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act; and to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizances for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion shall lawfully require.

May use  
county jail.

Sec. 12. The corporation of the city of Flint shall be allowed the use of the common jail of the county of Genesee, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace, for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Duty of  
sheriff.

When  
offender es-  
capes, &c.,  
from city.

Sec. 13. Whenever any person charged with having violated any ordinance of the common council, by which the offender is liable to imprisonment, shall have escaped from said city, or shall reside or be without the limits thereof, any justice of the peace residing in said city, to whom complaint shall be made, shall issue a warrant to any sheriff of any county in the State, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and every sheriff or other officer to whom such warrant shall be delivered for service, is hereby required to execute the same, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process; and in case the person charged as aforesaid shall be within the county of Genesee, the said warrant may be served by the marshal of the city, or by the sheriff or any constable of the county.

Warrant to  
sheriff.

Sheriffs to  
execute  
warrant.

Penalties for  
refusing.

When mar-  
shal may  
serve war-  
rant.

Sec. 14. All process issued by any justice of the peace to enforce or <sup>Process, how di-</sup> carry into effect any of the by-laws or ordinances of the common council, (except in the cases mentioned in section 13 of this act,) shall be directed "to the marshal of the city of Flint," or "to any constable of the county of Genesee;" and such process may be executed by any of <sup>How re-</sup> said officers, anywhere within the county of Genesee, and shall be returnable the same as other similar process issued by justices of the peace.

Sec. 15. The mayor of said city shall have the same power, as <sup>Powers and</sup> conservator of the peace within the limits of the city, as any justice of <sup>duties of</sup> the peace has, or may by law have; and it is hereby made his duty to see that the by-laws and ordinances are faithfully enforced; and to this end it shall be lawful for him, when any person or persons shall, in his presence, be guilty of a breach of the peace, or any violation of an ordinance of the common council, punishable by imprisonment, to direct the marshal or other officer forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city, who shall, without unreasonable delay, proceed to the examination and trial of the party accused.

Sec. 16. The marshal of said city shall, before entering upon the dis- <sup>Marshal to</sup> charge of the duties of his office, give such security for the faithful per- <sup>give securi-</sup> formance of his duties, as the common council shall direct and require. He shall be chief of the police, and it shall be his duty to serve all pro- <sup>To be chief</sup> cess that may be lawfully delivered to him for service; to see that <sup>of police.</sup> all the by-laws and ordinances of the common council are promptly and efficiently enforced, and especially those which may be passed to carry into effect the powers granted by section ten of this act. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and all other persons, in discharge of the duties imposed upon him by law. He may appoint such num- <sup>May appoint</sup> ber of deputies as the common council shall direct and approve, who <sup>deputies.</sup> shall have the same powers, and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of this State, as sheriffs or constables have by law to execute similar process.

Common  
council may  
establish fire  
companies.

Sec. 17. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper to secure said city and the inhabitants thereof against injuries by fire; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire buckets as they may direct; to establish, maintain and regulate all such fire engine, hook and ladder and hose and bucket companies as they may deem expedient; to construct reservoirs, and provide such companies with necessary and proper buildings, engines and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of persons, not exceeding fifty to one company, as are willing to accept, or as may be deemed proper to be employed as firemen. And every such company shall have power to appoint its own officers, and to pass by-laws for its organization and government, subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper. And every person belonging to such company shall annually obtain from the recorder a certificate, which shall be prima facie evidence of his membership for one year from the date thereof.

By-laws of  
fire compa-  
nies.

Certificate  
of member-  
ship.

Exemption.

Every member of such company, during his membership, shall be exempt from service on juries, from military duty in time of peace, and from the payment of a poll tax.

Duties of  
fire compa-  
nies.

Sec. 18. It shall be the duty of each company to keep in good order and repair its fire engine, hose, ladders and other implements; to assemble at least once in each month for the purpose of working its fire engine; and upon any alarm, or breaking out of fire within said city, each company shall forthwith assemble at the place of such fire, with its fire engine and other implements, and be subject to the orders of the chief engineers of the fire department.

Duty of  
marshal in  
case of fire.

Sec. 19. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same; for which purpose, and as chief of the police, he may require the assistance of all bystanders; and in the performance of his said duties, the marshal shall in all respects be subject to the orders of the mayor, or such of the aldermen as may be present.

Sec. 20. The common council shall have power, and it shall be their duty, to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of the city; to establish a board of health, and to invest it with such powers and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases; to provide for its proper organization, and for the appointment of the proper officers; and they shall have authority to make all such by-laws and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of said city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

Regulations to secure health of city.

Sec. 21. The common council shall have power to regulate the time and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, planking or paving and railing the sidewalks, and to prescribe the width thereof; to prevent the obstruction or encumbering of any of the streets, lanes, alleys, sidewalks, or public grounds in said city; to lay out, open, make, grade and repair streets, lanes and alleys, and the same to alter and vacate, and to alter or vacate those already laid out. If, in laying out or altering any street, lane or highway, the common council shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or persons interested, or his or their agent or representative, by personal service or by written notice posted in three of the most public places in said city, at least three weeks next preceding the meeting of said common council, for the purposes aforesaid; and the said common council are authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same or if the parties cannot agree therefor, it shall and may be lawful for the mayor of said city to issue a venire facias, to command the marshal of said city, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said city, to appear before said mayor, at any time therein to be stated, to inquire into and determine into the necessity for using such grounds, and the just compensation to be paid therefor, to the owner or owners of, or parties interested in, such grounds or premises; which jury, being

Regulation, repair, &c., of streets, alleys, &c.

Proceedings in case individual property is required to be taken.

When parties cannot agree, jury to be summoned.

Oath of jurors.

first duly sworn by said mayor faithfully and impartially to inquire into the necessity for taking or using of such grounds, and to ascertain and determine the just compensation to be paid therefor; and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such grounds or premises, for their respective injuries, according to the several interests or estates therein; and the said mayor shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so as-

Mayor to render judgment on verdict.

Damages to be tendered.

essed, together with all costs, shall be paid or legally tendered before such street, lane or alley, shall be made, laid out, altered or opened, to the claimant or claimants thereof; it shall thereupon be lawful for said common council to cause said grounds to be occupied for the purposes aforesaid: *Provided*, That any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to said mayor, in writing, within ten days, or in case of the absence of said party from said city, at the time of the rendition of the judgment, then within thirty days after the verdict of such jury and the judgment of such mayor, as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said mayor within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the mayor at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Claimant may appeal, on giving requisite notice, &c.

Costs of appeal, by whom to be paid.

Duties of street commissioners.

Sec. 22. The street commissioner of the several wards, and such other officer as the common council shall direct and appoint, shall, under the direction of the common council, superintend the making, grading, paving, repairing and opening of all streets, lanes, alleys, bridges and sidewalks within the limits of their respective wards, in such manner as he or they may from time to time be directed. The common council shall have power to cause the expenses of making, grading, paving and opening streets, lanes and alleys; of grading, paving or planking sidewalks; of making drains and sewers, and other local im-

Expenses of making and repairing streets, sidewalks, &c., how assessed.

provements, to be assessed against the owners or occupants of the lots or premises which are in front of or adjoining such improvements, or by general tax, as they may deem just and proper. And the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may by such by-laws and ordinances provide that the real estate assessed for such improvements, may be sold or leased for a term of years, to pay such assessment.

Sec. 23. The common council shall have authority to make all by-laws and ordinances relative to the powers, duties and compensation of the officers of said corporation, subject to the restriction as to the compensation of officers mentioned in this act; relative to the calling of meetings of the electors of the city; to licensing showmen and other exhibitions, where money or other consideration is demanded or received for admission, and to fix the amount of such license; to protect and regulate all public grave yards, and the burial of the dead in said city; to direct the number of, and license inn keepers and common victualers; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city; to prevent swine, cattle, horses, dogs and other animals from running at large in said city, and to establish and regulate one or more pounds therein; to regulate the measuring and selling firewood, weighing hay, setting awning and other posts, and shade trees in the streets; to lay out, establish, make, alter and regulate market places and public parks within the limits of said city; and to make all such other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act, which they may deem necessary to provide for the safety and good government of the city, and to preserve the health and protect the property of the inhabitants thereof; and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding thirty days: *And provided further*, That no by-law or ordinance of the common council subjecting any person to fine or imprisonment shall be of any effect until the same shall have been published for two weeks successively in a newspaper printed in said city.

Powers of common council in relation to duties and compensation of officers, &c.

Penal powers.

Fines not to exceed \$100.

Certain by-laws not to take effect till published.

Imposition  
of fines, how  
collected.

Sec. 24. All fines imposed by any by-law or ordinance of the common council may be sued for by the attorney of the city, in his own name, or in the name of the corporation, before any justice of the peace of said city; and whenever any fine shall be imposed by any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs; and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county, and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law; and the defendant shall remain imprisoned until the execution, with the fees of the sheriff, shall be paid: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Execution  
to issue  
forthwith.

Defendant  
may be im-  
prisoned.

Council may  
remit fine.

No citizen  
incompetent  
as juror or  
witness by  
reason of  
citizenship.

Sec. 25. In all suits in which the corporation of the city of Flint shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

Jury may be  
demanded.

Sec. 26. In all trials before any justice of the peace, of any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justice's court to the circuit court for the county of Genesee, shall be allowed; and the party appealing shall enter into a recognizance, conditioned to prosecute the appeal in the circuit court, and abide the order of the court therein, or such other recognizance as is or may be required by law in appeals from justices' courts in similar cases.

Right of ap-  
peal.

Poll tax.

Sec. 27. The common council shall have power to assess and collect from every white male inhabitant of said city, over the age of twenty-one years, (except paupers, idiots and lunatics,) an annual capitation or



poll tax, not exceeding seventy-five cents, and they may provide by their by-laws for the collection of the same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioners, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by such poll tax, or the labor in lieu thereof, shall be expended or performed in the respective wards where the person so taxed shall reside.

Poll tax may be worked on streets, &c.

Sec. 28. The common council of said city is hereby authorized and required to perform the same duties in and for said city, as are by law imposed upon the township boards of the several townships of this State, in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, assessors, justices of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

Common council to perform duties of township board.

Officers to perform the duties of township officers.

Sec. 29. The common council shall have authority to assess, levy and collect taxes on all real and personal estate taxable in said city, which taxes shall be and remain a lien upon the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax more than five hundred dollars in any one year, exclusive of school taxes and taxes for highway purposes, unless authorized thereto by a vote of the property tax-payers of said city who are electors, when convened for that purpose pursuant to previous notice.

May levy & collect taxes on real and personal estate.

Limitation.

Sec. 30. Whenever the common council shall deem it necessary to raise a greater sum in any one year than five hundred dollars, exclusive of taxes for schools and highway purposes, they shall give at least five days notice in writing, to be posted up in five public places in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended; and when such meeting shall be assembled in pursuance of such notice, such electors, by a viva voce vote shall determine the amount of money which shall be raised for each object speci-

Additional tax, how raised.

Not to ex-  
ceed one per  
cent.

ted in the notice: *Provided*, That such tax shall not, in any one year, exceed one per cent. upon the valuation of the real and personal estate taxable within the limits of said city: *And provided also*, That not more than two such meetings shall be holden in any one year, to determine the amount of tax to be raised; at all such meetings, the mayor, or in his absence, the recorder, shall preside.

Assessment,  
how made.

Sec. 31. The assessors shall assist the supervisor in taking the assessment of property in the respective wards where the assessor resides; and all State, county and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale, and redemption of real estate for non-payment of taxes, shall be in conformity with the proceedings for the return, sale, and redemption of real estate, by township officers.

Sale, &c., for  
taxes.

Certain tax-  
es for spe-  
cific pur-  
poses, how  
made.

Sec. 32. Whenever the common council shall be authorized by a vote of the property tax holders of said city to raise a tax for any specific purpose, and which cannot be included in the assessment roll and collected or returned for non-payment, as provided in section thirty-two [thirty-one] of this act, it shall be lawful for the common council to apportion such tax upon the property according to the valuation as contained in the then last city assessment roll, and shall place the tax in a column opposite the valuation of the property; and when such roll is completed the recorder shall make and deliver a copy thereof to the city treasurer, together with a warrant, signed by the mayor and recorder, commanding the treasurer to collect the same, and make return of his proceedings by virtue of said warrant, within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof; and it shall be the duty of the treasurer to collect said taxes within the time specified in said warrant, or within such further time as the common council may by resolution direct.

Duty of  
treasurer.

Council  
may make  
ordinances  
relative to  
collecting  
certain tax-  
es.

Sec. 33. The common council may by ordinance provide for the collection of all taxes necessary to be raised, other than such as may be raised as provided in section thirty-two, and for the sale of any real estate for the non-payment of such tax, and for the redemption thereof: *Provided*, That all the proceedings relative to the notice of sale, the manner of conducting the same, and the time to redeem, shall be in

conformity as near as may be to the provisions of law regulating the sale of lands delinquent for township taxes.

Sec. 34. The treasurer of said city shall keep a regular account of all moneys received and disbursed by him, in the books to be provided for that purpose, in which the name of every person to whom money shall be paid shall be entered at full length, and on what account the same was paid, which books shall at all reasonable hours be open to the inspection of any freeman of the said city. All moneys received for the use of said city shall be paid into the city treasury; and no money shall be drawn from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn, and the treasurer shall pay out no money but upon the written warrant of the mayor and recorder.

*Treasurer's duty relative to receiving and disbursing money.*

Sec. 35. No bond, note or other obligation, or evidence of indebtedness of said corporation, shall ever be given or issued by said corporation, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money; but the common council may endorse on all accounts which may be presented against the city, the amount allowed by them thereon; an account of all claims so allowed shall be kept by the recorder, in a book to be provided for that purpose. No order or warrant for the payment of money shall be drawn upon the treasury when there shall not be sufficient funds in the treasury to pay the same.

*Not to issue evidence of debt.*

*Recorder's duty of claims.*

Sec. 36. The officers of said corporation shall be entitled to receive out of the city treasury the following sums, in full payment for their services: The mayor shall be paid one dollar per annum; the recorder and attorney shall be entitled to receive, respectively, such sum as the common council shall allow, not exceeding twenty-five dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are by law allowed for similar services; and he shall also receive such further compensation, not exceeding twenty-five dollars per annum, as the common council shall allow; the treasurer and collector, justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers; the street commissioners, supervisor, directors of the poor, school inspectors, and all other officers of said city, except the aldermen, shall be entitled to receive such compensation as the

*Compensation of officers.*

common council shall allow, not exceeding one dollar per day for every day actually employed in the performance of the duties of their respective offices.

Annual statement of receipts and expenditures.

Sec. 37. The common council shall, in the month of March in each year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made; such statement shall be signed by the mayor and recorder, and be recorded and filed in the recorder's office; a copy thereof shall be published in a newspaper printed in said city, for at least two weeks.

To be filed and recorded.

Township of Flint.

Township election, &c.

Sec. 38. The township of Flint shall retain its present organization, subject to the alteration of boundaries herein made and provided; and the next annual township meeting for said township shall be holden at the court house in Flint, at which election there shall be chosen all such township officers as by law the several townships are authorized to elect. The electors at such election may choose the judges and clerk thereof, and all the provisions of law relative to the adjournment of the place of holding such election shall apply to such meeting.

Public act.

Sec. 39. This act shall be deemed a public act, and shall be favorably construed in all courts.

May be altered, &c.

Sec. 40. The Legislature may at any time alter, amend or repeal this act.

Sec. 41. This act shall take effect immediately.

Approved February 13, 1855.

[ No. 148. ]

AN ACT to provide for the construction of Train Railways.

Three or more persons may organize.

Notice to be published.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than three, may be formed into a corporation for the purpose of constructing and owning a train railway or road, to be operated by horse or other animal power, by complying with the following requirements: Notice shall be given in at least one newspaper printed in any county through which or in which such railway is intended to be constructed, of the time and place or places where books

for subscribing for the stock thereof will be opened, and if there be no newspaper printed in the county, then such notice shall be printed in the city of Detroit; and when stock to the amount of one thousand dollars per mile of the said railway so intended to be built, shall be in good faith subscribed, and ten per cent. paid thereon, as hereinafter required, then the said subscribers may, upon due and proper notice, elect directors for said corporation; and thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the company; the number of years the same shall be continued, which shall not exceed thirty years from the date of said articles; the amount of the capital stock of said company; the number of shares of which said stock shall consist; the number of directors and their names, who shall manage the concerns of the company for the first year, and shall hold their offices until others are elected; the place from and to which the proposed railway is to be constructed, and each mine, city and village, to or through which it is intended to pass, and its length, as near as may be.

When to elect directors, &c.

Articles of association, what to contain.

Sec. 2. Each subscriber to such articles of association, shall subscribe thereto his name, by himself or by his attorney, his place of residence, and the number of shares of stock taken by him in said company; the said articles of association may, when the provisions of the next section are complied with, be filed in the office of the Secretary of State, and thereupon the persons who have so subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate by the name specified in such articles, and as such shall be capable of suing and being sued, in all courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons, by gift, grant, or otherwise, and holding any land, tenements or hereditaments, necessary to be used in the construction, repair and preservation of said railway, and the erection of toll gates and houses thereon, and may by by-laws prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five of title ten of the revised statutes of this State, entitled "general provisions relating to corporations," as far as the same shall be applicable, and not inconsistent with the provisions of this act.

Name, residence, and number of shares to be subscribed.

Body corporate.

Powers, &c.

Subject to chap. 55 of revised statutes.

When articles to be filed with Secretary of State.

Sec. 3. Such articles of association shall not be filed in the office of the Secretary of State until ten per cent. on the amount of the stock subscribed thereto shall have been actually and in good faith paid to the directors named in such articles, nor until there is endorsed thereon, or annexed thereto, an affidavit by at least two of the directors, that the amount of the capital stock required by the first section of this act has been subscribed, and that ten per cent. on the amount has been actually paid in; and no stockholder shall be entitled to vote for directors of any company of which he may be a member, or for any other purpose, unless all assessments due on his stock shall be paid before such election.

Certified copy of articles and affidavit to be evidence.

Sec. 4. A copy of any articles of association, filed in pursuance of this act, with a copy of the affidavit aforesaid endorsed thereon or annexed thereto, and certified by the Secretary of State to be a true copy, and of the whole of such articles of association and of the affidavit endorsed thereon or affixed thereto, shall be, in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated.

Board of directors to manage affairs, their number, &c.

Sec. 5. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven directors, who after the first year shall be elected annually, or once in two years, as the by-laws of said company shall direct, and at such time and place as said by-laws may direct; and public notice shall be given of the time and place of holding such election, not less than twenty days previous thereto, in such manner as the by-laws of such company may direct; the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of their term by the remaining directors. The directors shall hold their offices for one or two years, as said by-laws may direct, and until others are elected in their places, and no person shall be a director unless he is a stockholder in said company.

Notice of election, &c.

Vacancy; how filled.

Term and qualification of directors.

Sec. 6. In case it shall happen that an election for directors shall not be held as provided, the said corporation shall not be, for that reason,

dissolved, but such election shall be held on some future day, to be fixed by the directors holding over, upon giving the notice therefor, as in this act provided, and all acts of the directors shall be binding upon such corporation.

Election in certain cases, when held.

Sec. 7. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

Majority a quorum.

Sec. 8. The directors at their first meeting after their election, shall choose by ballot one of their number as president, and one as treasurer, and they shall supply any vacancy in the office of president or treasurer whenever the same shall occur.

President and treasurer to be elected.

Sec. 9. The president and directors shall have power to make and prescribe such by-laws, rules and regulations, respecting the transfer of stocks, and the management and control of the property and affairs of such corporation, as they may deem best, not inconsistent with the laws of the United States or of this State, and shall have power to appoint and employ officers, clerks, agents and servants, for conducting and carrying on the business of such incorporation, and determine their duties and salaries, and wages to be paid to them.

Power of board of officers.

Sec. 10. It shall be lawful for such company, their officers, engineers and agents, to enter upon any lands, for the purpose of exploring, surveying and locating the route of such railway, doing thereto no unnecessary damage, and paying any damage which may accrue; nor shall such company locate any such route through any orchard or garden, without the consent of the owner thereof, nor through any buildings or erections for the purposes of trade or manufacture, without permission from the owner or owners; and when the said route shall be determined by said company, it shall be lawful for their officers, agents, engineers, contractors and servants, to enter upon, take possession of, and use such lands to the width of one hundred feet, as said company may have purchased or obtained from the owners and occupants the right to use; and also to enter upon, take and use, any other lands which may be necessary for the purpose of constructing and maintaining thereon such railway, toll houses, gates, fixtures and appurtenances, the necessity for taking such lands for such purposes, and the damages to be paid therefor being first ascertained, and such damages paid as provided in sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty,

May enter upon lands for the purpose of survey, &c.

Width of road.

Damages for right of way, &c., how ascertained.

twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven, of an act entitled an "act to provide for the formation of companies to construct plank roads," approved April 8th 1851.

Power to  
hold lands,  
&c., restric-  
ted.

Sec. 11. The said corporation shall not in their corporate capacity, hold, purchase or deal in any lands on which such railway shall run, except what may be necessary for the construction or maintenance thereof, and of the gates, toll-houses and other fixtures connected therewith.

May pur-  
chase lands,  
&c., neces-  
sary for con-  
struction of  
road, &c.

Sec. 12. Such company so formed may procure by purchase or gift, from the owners thereof, any lands necessary for the construction of such railway, or for the erection of gates, toll-houses and other fixtures, or may obtain from the owner or occupant the right to use the same for the purposes aforesaid, on such terms as may be agreed upon.

Toll may be  
collected,  
&c.

Sec. 18. Whenever such company shall have completed any part of said railway for use, it shall be lawful for said company to erect toll-gates thereon, and demand and receive from persons using such railway not exceeding the following rates of toll, namely: for every coal car, ore car, or other vehicle drawn over said railway, four cents per mile, or at the same rate for any distance less than a mile, when such car or vehicle shall not be loaded; and when such car or vehicle shall be loaded, then in addition to the toll aforesaid, not exceeding four cents per mile for each ton of coal, copper, iron ore, lumber, or other mineral or commodity transported or carried over such railway. Such toll-gates to be erected by such company, may be as many in number, and located at such points as such company may deem necessary. Any person using such railway, may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket or other evidence that he has paid the toll for the use of the whole or part of such railway, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll gatherer through whose gate he is last entitled to pass.

Number of  
gates.

Ticket.

Any person  
may use  
road on  
paying toll.

Sec. 14. Any railway constructed under this act shall be open to all persons for use, upon the payment of tolls as aforesaid, for the passage and re-passage of cars and vehicles, constructed to carry minerals, lumber, or other freight upon such railway, at such times and under



such rules and regulations in regard to the passage of cars or vehicles each way upon such railway, as the authorized agent or agents or engineer thereof may prescribe.

Sec. 15. The directors of any company incorporated under this act, may require payment of the sums subscribed to the capital stock at such times, and in such proportion, and on such conditions as they shall see fit, under the penalty of the forfeiture of the stock, and all previous payments thereon, if payment shall not be made by the stockholders within sixty days after personal notice, or notice requiring such payment shall have been published, for six successive weeks, in a newspaper in the county or counties wherein such railway is situated; or if there be no newspaper published in such county or counties, then in a newspaper published in the city of Detroit; and they shall give notice of the payments thus required, and of the place and time where and when the same are to be made, at least thirty days previous to the payment of the same, in the newspaper or newspapers before mentioned, or by sending such notice to each stockholder by mail, directed to him at his usual place of residence.

Directors may require payment of stock subscribed, &c.

Forfeiture for non-payment.

Notice required to be published.

Sec. 16. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company. The directors of any such company may, at any time, receive subscriptions to stock in said company, until the whole amount of the stock mentioned in their articles of association, shall be subscribed, and with the consent, in amount, of the majority of the stockholders in such company, provide for such increase of the capital stock in such company as may be necessary to finish the making of such railway, commenced and partly constructed.

Shares transferable.

Capital, how increased.

Sec. 17. Within sixty days after the formation of any company under this act, the directors thereof shall designate some place within a county where such railway is intended to be constructed, as the office of such company, and shall give public notice thereof, by publishing in some newspaper published in such county, if there be one, and if there be none, then in a newspaper published in the city of Detroit, which publication shall be continued once in each week, for three successive weeks, and shall file a copy of such notice in the office of the register of deeds, in each county where such road may be constructed or intended to be; and if the place of such office shall be changed,

To designate place of office.

And give notice thereof.

Change of  
place of  
office.

like notice of such change shall be published and filed as aforesaid, before it shall take place, in which notice the time of making the change shall be specified; and every summons, notice, declaration, or other paper or process required by law to be served, may be served by leaving the same at such office, with any person having charge thereof, at any time except Sunday.

Individual  
liability of  
stockhold-  
ers.

Sec. 18. The stockholders of every company incorporated under this act, shall be jointly and severally liable in their individual capacity, for all labor performed for such company; and shall also be liable for the debts of such company, for an amount equal to the amount of any unpaid stock in such company, held by them at the time such debt was contracted, and suit commenced thereon, to be recovered of any stockholder who is such when the debt is contracted, or any subsequent stockholder.

Liability for  
declaring  
dividend,  
&c., when  
company in-  
solvent.

Sec. 19. If the directors of any company formed under this act, shall declare or pay any dividend when the company is insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they, and all stockholders who shall knowingly accept or receive such dividend, shall be jointly and severally individually liable for all the debts of such company then existing, and for all that shall be thereafter contracted, while they shall respectively continue stockholders, or in office.

Stockholders  
not liable  
until execu-  
tion against  
company is  
returned  
unsatisfied.

Sec. 20. But no suit shall be brought against any individual stockholder or stockholders, for any debt of such company, as provided in the last two preceding sections, until judgment on the demand shall have been obtained against the company, and execution thereon returned unsatisfied in whole or in part, or until the company shall have been dissolved; and any stockholder who may have paid any debt of such company, either voluntarily or by compulsion, shall have a right to sue and recover of such company the full amount thereof, with interests, costs and expenses; and any such stockholder, who may have paid as aforesaid, shall have a right to bring an action against, and recover of the rest of the stockholders, or any one or more of them, the due proportion thereof, which such stockholder or stockholders ought to pay; and if such action for contribution shall be brought against more than one stockholder, the judgment and the execution thereon

Contribution  
may be en-  
forced.

shall specify the amount to be recovered and collected from each defendant.

Sec. 21. On or before the first Monday in January, in each year, it shall be the duty of the directors of every company formed under this act, to report to the Secretary of State, under the oath of at least two of such directors, the length of railway completed, the cost of constructing the same, the amount of all moneys expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on said road, the amount received during the previous year for tolls and from all other sources, stating each separately, the amount of dividends made, the amount set apart for repairs, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued: *Provided*, That the year contemplated in this section, so far as relates to the Upper Peninsula, shall terminate on the last day of September next preceding.

Directors to make report on oath.

Contents of report.

Year in Upper Peninsula.

Sec. 22. Each and every railway company, formed under this act, shall pay to the Treasurer of the State of Michigan an annual tax, at the rate of one-half of one per cent on the whole amount of capital paid in upon the capital stock of said company; which said tax shall be estimated upon the last preceding report of said company, and shall be paid to the said treasurer on the first Monday of July in each year, and shall be in lieu of all other taxes upon all the property of said company.

Taxes to be paid.

When to be paid.

Sec. 23. Every toll gatherer, at any such gate, who shall unreasonably hinder or delay any person entitled to pass, by the provisions of this act, or shall demand or receive from any person more toll than, by law, he shall be authorized to collect, shall, for each offence, forfeit the sum of five dollars to the party aggrieved, and shall be liable to the party aggrieved, for all damages.

Punishment of toll gatherer for illegal demand, &c.

Sec. 24. Whenever a judgment is obtained against a toll gatherer for a penalty, or for damages for acts done or omitted to be done by him in his capacity as toll gatherer, and goods and chattels of such defendant, to satisfy such judgment, cannot be found, it shall be paid by the corporation whose officer he shall be; and if, on demand, payment shall be refused by the corporation, the amount of such judgment, with costs, may be recovered of such corporation.

Company holden for judgment against toll-gatherer.

List of tolls  
to be posted  
up, &c.

Sec. 25. It shall be the duty of the directors of every such company, to affix and keep up at or over each gate, where it can be conveniently read, a printed list of the rates of toll demanded at such gate.

Cars, &c.,  
may be re-  
tained till  
toll paid.

Sec. 26. Each toll gatherer may detain and prevent from passing through his gate, all persons with cars or vehicles, authorized to pass upon paying tolls, until they shall have paid, respectively, the tolls authorized by law.

Punishment  
for obstruct-  
ing road.

Sec. 27. If any person shall wilfully obstruct, break, injure or destroy any railway constructed or operated under the provisions of this act, or any part thereof, or any work, cars, buildings, fixtures or toll gates attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall, for every offence, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail or State prison not more than one year, in the discretion of the court.

Penalty for  
forcibly pas-  
sing gate,  
&c.

Sec. 28. Any person who shall forcibly or fraudulently pass any toll gate, erected on such railway in pursuance of this act, without having paid the legal toll, shall, for each offence, be liable to a fine not exceeding twenty-five dollars, to be sued for and recovered by said company.

When cor-  
poration  
shall cease.

Sec. 29. Every company incorporated under this act, shall cease to be a body corporate: First. If, within one year from the time of filing their certificates of association, they shall not have commenced the construction of their railway, and expended at least ten per cent. of their capital stock. Second. If, within five years from such filing of the articles of association, such road shall not be completed, according to the provisions of this act.

Subject to  
visitation,  
&c.

Sec. 30. All companies formed under this act shall at all times be subject to visitation and examination by the Legislature, or a committee appointed by either House thereof, or by any agent or officer in pursuance of law; and the courts of this State shall have the same jurisdiction over such corporation and their officers, as over those created by special acts.

Legislature  
may alter,  
amend, &c.

Sec. 31. The Legislature may at any time alter, amend or repeal this act, but such alteration, amendment, or repeal, shall not operate as an alteration or amendment of the corporate rights of companies formed under it, unless specially named in the act so altering or amending this

act, nor shall the dissolution of any such company take away or impair any remedy given for or against such corporation, its stockholders or officers for any liability which shall have been previously incurred.

Sec. 32. This act shall take effect immediately.

Approved February 13, 1855.

[ No. 149. ]

AN ACT to oblige the owners or occupiers of mills, or other water works, to keep bridges over their races crossing public highways.

SECTION 1. *The People of the State of Michigan enact, That* Certain persons to maintain bridges. it shall be the duty of all owners, occupiers or possessors, of mills or other water works, where any race or races appertaining to the same may cross a public highway, to keep a good and sufficient bridge or bridges, not less than fourteen feet in width, with a substantial railing on each side thereof, over the same, except where said mills have been erected and the races dug previous to the formation of said highway.

Sec. 2. In all cases where the owner or owners, occupiers or possessors, of any such mill or mills, or other water works, shall refuse or neglect to make such bridge or bridges, or shall refuse or neglect to keep Duty of highway commissioners in case of neglect. the same in good repair, it shall be the duty of the commissioners of highways of the township in which such highway may be, to proceed forthwith to erect or repair such bridge or bridges, at the expense of the person or persons whose duty it was to have erected or repaired such bridges.

Sec. 3. The expenses so made or incurred by said commissioners of highways, in erecting or repairing such bridge or bridges, shall be a Expense, &c. legal charge against owners, &c. legal charge against the owner or owners, occupiers or possessors of such mill or mills, or other water works, and it shall be the duty of the said commissioners of highways to prosecute the person or persons so chargeable, on an action of assumpsit, for the expenses so made or incurred, and to cause the damages recovered in such prosecution to be applied towards the payment of said expenses.

Sec. 4. Whenever an action of assumpsit shall be brought under the Declaration in suit. provisions of this act, for the recovery of expenses made or incurred in erecting or repairing any such bridge or bridges, it shall be sufficient, without setting forth the special matter, to allege in the declaration that

Defencee.

the defendant, being indebted to the plaintiff in the amount of such expenses, according to the provisions of this act, referring to the same by its title and date of approval, undertook and promised to pay the same to the plaintiff; and to every such declaration, the defendant may plead the general issue, and may give in evidence, under such plea, any special matter in bar of the action, or in discharge of the defendant, in the same manner and with like effect as if a special notice thereof had been given.

This act shall take effect immediately.

Approved February 13, 1855.

[ No. 150. ]

AN ACT to organize the town of Iron, in the county of Marquette.

Iron town-  
ship organ-  
ized.

SECTION 1. *The People of the State of Michigan enact, That* all that part of the town of Carp River, in the county of Marquette, lying west of range twenty-six west, is hereby set off and erected into a new township, and named the town of Iron.

First elect'n,  
when and  
where held

Sec. 2. The first election of township officers, in the town of Iron, shall be held at the mines and office of the Lake Superior Iron Company, in said town, on the third Tuesday of September next, and according to the provisions of the statute in relation to the first election of township officers.

This act shall take effect immediately.

Approved February 13, 1855.

[ No. 151. ]

AN ACT to organize the township of Coe, in the county of Isabella.

Coe town-  
ship organ-  
ized.

SECTION 1. *The People of the State of Michigan enact, That* the surveyed townships described as towns thirteen north, of range three west, and fourteen north, of range three west, in the county of Isabella, be and the same are hereby organized into a township by the name of the township of Coe, and the first township meeting therein shall be held at the house of Mr. Campbell, on section seventeen, in town thirteen north, of range three west.

Approved February 13, 1855.

[ No. 152. ]

AN ACT to organize the township of Allison, in the county of Lapeer.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Allison township organized.</sup> townships nine, and south half of town ten north, of range twelve east, in the county of Lapeer, be and the same hereby are organized into a separate township, by the name of Allison, and that the first township meeting be held at the house of William Brown, in said township.

This act shall take effect immediately.

Approved February 13, 1855.

[ No. 153. ]

AN ACT to revise an act entitled "an act to provide for the removal of the State Land Office to the Seat of Government," approved March 31st, 1849.

SECTION 1. *The People of the State of Michigan enact*, That the <sup>Office to remain at Lansing.</sup> State Land Office shall be and remain where now established, at Lansing.

Sec. 2. No official bond shall hereafter be required of the Commissioner of the State Land Office, and all moneys heretofore required to be received by him shall hereafter be received by the State Treasurer, <sup>No bond required of Commissioner.</sup> (except as herein provided,) who shall in all cases give receipts for the <sup>Treasurer to receive money.</sup> same, which receipts shall be countersigned by the Auditor General, as in other cases.

Sec. 3. All accounts for the incidental expenses of said office, for surveys of lands, for necessary maps, plats or charts, improvements at <sup>Accounts, &c., to be audited by State Auditors upon certificate of Commissioner.</sup> Lansing, and all other accounts and charges heretofore allowed and paid by the Commissioner, shall hereafter be audited by the Board of State Auditors, on the certificate of the Commissioner, and when so audited and allowed, shall be paid from the State Treasury, on the warrant of the Auditor General, drawn against the proper fund.

Sec. 4. The purchasers of any of the trust fund lands, their assignees, <sup>Purchasers may pay money to county treasurer.</sup> agents or attorneys, may pay to the treasurer of the county in which such lands lie, any amount which may be due from time to time on their several certificates, either for principal, interest, or penalty, and for the amount so paid the said county treasurer shall give to such person

Co. treas. to  
give receipt,  
&c. his receipt, specifying the amount paid, date of payment, whether for principal, interest or penalty, or either, and the amount of each, the number of the certificate on which the same was paid, and the name of the original purchaser of the land, and the fund to which the same belongs, which receipt shall be countersigned by the clerk of said county, and when so given and countersigned, shall have the same force and effect as if given by the State Treasurer.

Co. treas. to  
give bond,  
&c. Sec. 5. Before any county treasurer shall receive moneys authorized to be paid to him by the preceding section, he shall execute and give to the State a bond, with good and sufficient sureties, in an amount to be fixed by the Commissioner of the State Land Office, not less than double the sum liable to come into his hands by virtue of this act, which bond shall be conditioned for the honest and faithful discharge of all trusts and responsibilities imposed by this act: the sureties to be approved by the judge of probate and register of deeds of their respective counties.

Duplicate  
receipts. Sec. 6. That the said county treasurer shall in each and every case, issue duplicate receipts for all moneys received by him under the provisions of this act, one of which, he shall without delay, deposit with the county clerk.

Duty of Co.  
clerk. Sec. 7. The county clerk on receiving any such duplicate receipts, shall note on the back of each, the date of receiving the same, and shall also enter in a book to be procured by him at the expense of the county, the amount for which each of such receipts was given, and whether the same was for principal, interest or penalty, or either, specifying the amount of each, the number of the certificate on which the same was paid, the name of the person to whom the same was issued, the name of the fund to which the money belonged, and the date of each receipt; and on the first Monday in each and every month, the said clerk shall carefully enclose and forward all such duplicate receipts to the Commissioner of the State Land Office, as he shall direct.

Com'r Land  
Office to fur-  
nish treas.  
with blank  
bonds. Sec. 8. The Commissioner of the State Land Office shall, on or before the first day of February, transmit to each county treasurer to whom moneys may be paid under this act, a blank bond, with the penal sum fixed as provided by the fifth section of this act, which bond the said treasurer shall execute and procure to be approved as hereinbefore



provided, and return the same without unnecessary delay, to the said Commissioner, who shall file and carefully preserve the same in his office.

Sec. 9. On or before the first day of March, in each and every year, the Commissioner shall cause to be made out, and shall transmit to such county treasurers as have filed their bonds with him, properly executed and approved, a statement showing the classes of lands sold in that county, the number of the certificate of purchase, the name of the person to whom each certificate was issued, and the amount of both principal and interest due on each, on the first day of March; and the said Commissioner shall also transmit such directions and instructions, and blanks as shall enable the said county treasurers to carry out the provisions of this act.

Statement to be sent.

Directions, instructions and blanks.

Sec. 10. All moneys received by the county treasurers under the provisions of this act, shall be held at all times, subject to the order and direction of the State Treasurer, for the benefit of the funds to which such moneys respectively belong; and on the first day of May in each year, and at such other times as he may be required so to do by the said State Treasurer, each county treasurer shall pay over to the State Treasurer, all moneys he may have received on account of such funds.

Co. treas. to pay over to State Treasurer, &c.

Sec. 11. The several county treasurers who receive money under the provisions of this act, are hereby authorized to charge each person to whom they may give a receipt, or of whom they may receive money, two per cent. on the amount they may receive from each person, which shall be in full for all services rendered under this act.

Compensation of Co. treasurer.

Sec. 12. Act No. 217, approved March 31st, 1849, entitled "an act to provide for the removal of the State Land Office to the Seat of Government, and section three of act No. 214, approved April 1st, 1850, entitled "an act to amend an act to provide for the removal of the State Land Office to the Seat of Government, and to revive certain laws relative to the same," are hereby repealed.

Acts repealed.

This act shall take immediate effect, except the ninth section thereof.

Approved February 13, 1855.

[ No. 154. ]

AN ACT to revive and re-enact section 18 of chapter 94 of the revised statutes of 1846.

**SECTION 1.** *The People of the State of Michigan enact,* That section eighteen of chapter ninety-four of the revised statutes of eighteen hundred and forty-six, be and the same is hereby revived and re-enacted so as to read as follows: "Sec. 18. The person charged with and convicted by any such justice of the peace of any such offence, may appeal from the judgment of such justice of the peace to the circuit court: *Provided,* said person shall enter into a recognizance with one or more sufficient sureties, conditioned to appear before said court and abide the judgment of the court therein. And the justice from whose judgment an appeal is taken, shall make a special return of the proceedings had before said justice; and shall cause the warrant and return, together with the recognizance, or recognizances to be filed in said circuit court, on or before the first day of the circuit court next to be holden for said county, and the complainant and witnesses may also be required to enter into recognizances with or without sureties, in the discretion of the court, to appear at said circuit court at the time last aforesaid, and to abide the order of the court therein."

Approved February 13, 1855.

[ No. 155. ]

AN ACT to amend sections four, five and eight of an act to incorporate the city of Monroe, approved March 22d, 1837; also, to amend an act entitled "an act to incorporate the city of Monroe," approved February 16th, 1842; also, to amend an act entitled "an act to amend an act to incorporate the city of Monroe, and certain acts amendatory thereto," approved March 30th, 1849.

**SECTION 1.** *The People of the State of Michigan enact,* That section four of an act entitled "an act to incorporate the city of Monroe," approved March 22d, 1837, be amended so that the same shall read as follows, viz: "Sec. 4. There shall be the following officers in and for said city, to wit: one mayor, one recorder, one solicitor, six aldermen, one clerk, one marshal, one treasurer, and also three assessors and three collectors, one in and for each ward, which assessors shall be

the supervisors of their respective wards, and three street commissioners, (one in each ward,) one city surveyor, and not less than three nor more than five constables."

Sec. 2. That section five of said act be amended so that the same <sup>Annual election.</sup> shall read as follows: "Sec. 5. The freemen of said city, being electors under the constitution of the State of Michigan, shall, on the first Monday of April, in each and every year, and at such place in their respective wards as the common council shall appoint, elect by a plurality of votes from among the freemen of said city, residing in their ward, and having the qualifications aforesaid, one alderman, one assessor, who shall be supervisor for such ward, one collector, and one street commissioner. They shall also elect for said city at large, one mayor, one recorder, one treasurer, one school inspector, and not less than three nor more than five constables, having the qualifications of electors, and residing in any part of the city, who shall serve in their respective offices; one year next ensuing their election, and until oth- <sup>Term.</sup> ers are chosen and qualified, unless sooner removed for misconduct, by the mayor and aldermen, except the alderman and school inspector, who shall hold their offices for two years next succeeding their election, and until their successors shall be elected and qualified; which <sup>Who to be inspectors of election.</sup> election shall be held in the several wards, and superintended by the aldermen and assessors, or a majority of them in their respective wards, except in case of inability from absence or sickness of any such inspectors; then the mayor, recorder, solicitor or clerk, shall serve in the place so made vacant; and all elections held for the choice of officers hereinbefore mentioned, shall be by ballot, and conducted as follows: every person qualified to vote at any such election, and who shall offer <sup>How election conducted.</sup> to vote, shall openly deliver his ballot to one of the officers holding such election, which ballot shall be a paper ticket containing the name or names written or printed, or partly written and partly printed with ink or pencil, of such officer or officers as are to be elected in the ward in which the elector shall reside, and which said elector may see fit to vote for, and also the names of such officers as are to be chosen in the city at large, as he may think proper to vote for, and designation of the office for which each person is voted for; which ticket shall be so folded as to conceal the names of the persons voted for, and on the receipt of such ballot the officer holding such election, shall, without suf-

Time of  
opening and  
closing  
polls.

Poll list.

fering the same to be opened or inspected, cause the same to be put into a box to be provided by the common council for that purpose; and the poll of such election shall be opened at ten o'clock in the forenoon, and shall continue open until four o'clock in the afternoon of the same day, and no longer; and the name of each elector voting at such election shall be written in two poll lists, to be kept at such election, by two clerks of such election, appointed by the inspectors thereof."

Street com-  
missioner to  
have control  
of streets,  
&c.

To give  
bond, &c.

Compensa-  
tion.

Limitation.

Compensa-  
tion of mar-  
shal.

Sec. 3. That section one of an act entitled "an act to amend an act to incorporate the city of Monroe," approved February 16th, 1842, be and the same is hereby repealed, and the following substituted and enacted in lieu thereof: "Sec. 1. The street commissioners of the several wards of said city, shall have the care and supervision of the streets, lanes, alleys and public grounds in their respective wards, subject to the control of the common council, and shall collect all street taxes assessed in their respective wards, and make return of delinquent street taxes for their respective wards, in the same manner and with like effect as has been hitherto provided to be done by the marshal or collector of said city; and such street commissioners shall give a bond in such penalty as the common council shall prescribe or direct, and with such surety as may be required, conditioned for the faithful performance of their respective duties, and for the accounting for and paying over all such moneys as shall come into their hands by virtue of their said office; and the said street commissioners shall receive as full compensation, three per centum on all sums actually collected and paid over by them to the treasurer of said city, and one dollar for each day, and at the same rate for all parts of days, by them actually employed as street commissioners, in the repairing or improving the streets, lanes, alleys and public grounds in their respective wards: *Provided*, That no street commissioners shall receive more than forty dollars per annum for services so rendered; and the marshal of said city shall receive as full compensation for his services, such fees as may be taxed according to the ordinances of said city against parties other than the city, and if such fees cannot be collected, he shall not have recourse to the city therefor: *Provided*, That if he shall perform any extra service, the common council shall, in their discretion, allow compensation therefor, not to exceed twenty-five dollars in any one year."

Sec. 4. That the collectors of the several wards of the city of Mon-

roe, shall have and exercise, in reference to their respective wards, the powers and duties of township treasurers under the laws of this State, Powers and duties of collectors. with the exception that they shall pay over to the city treasurer all moneys received by them to the credit or for the benefit of the city, and shall, for their respective wards, discharge the same duties and have and receive the same power and give the like bonds heretofore required of the collectors of said city in respect to the collection of taxes, and be in all respects subject to the removal by the common council, and their successors appointed, in like manner and for like cause as the collector of said city has heretofore been.

Sec. 5. That section one of an act entitled an act to amend an act Section repealed, entitled an act to incorporate the city of Monroe, and certain acts amendatory thereto, approved March 30th, 1849, be and the same is here repealed. That section three of the said last mentioned act be further amended, so that the same shall read as follows: "Sec. 3. That it shall List of non-resident lands for street taxes, &c. be the duty of the street commissioners of the several wards of the city of Monroe, on or before the first Monday of November of each year, to make out and deliver to the assessors of their respective wards, lists of such portions of all the lands of non-residents and persons unknown, as are situated in their respective wards, for street taxes, and upon which street taxes have not been paid, together with the amount unpaid on each tract, lot or parcel, and make and subscribe an oath, before some person competent to administer oaths, or before such assessor, that the street taxes assessed upon the lands so returned have not been paid; which arrearages of street taxes shall be, by the assessor of any ward of said city in which said lots, lands or parcels are situated, placed on his assessment roll in a column to be headed street taxes, opposite the description of the property so returned, and to be collected or returned delinquent, in the same manner as the city taxes of said city are by law required to be collected or returned."

Sec. 6. That at the election to be held in said city on the first Monday of April, 1855, there shall be elected two aldermen in and for each ward of the city, one of whom shall hold said office for one year, and one for two years thereafter; and at said election the voters shall designate which one of the aldermen shall hold his office for two years, by writing or printing on his ballot the words "two years," and which shall hold his office for one year, by writing or printing on his ballot the words Election of 1855.

"one year," and the person receiving a plurality of votes polled in his ward for alderman for two years shall hold said office for two years, and the person receiving a plurality of votes polled in his ward for alderman for one year, shall hold his office for one year next ensuing said election, and until his successor is elected and qualified.

Mayor and  
aldermen to  
appoint cer-  
tain officers.

Sec. 7. That section eight of an act entitled an act [to] incorporate the city of Monroe, approved March 22d, 1837, be and the same is hereby amended, and enacted to read as follows: "Sec. 8. The mayor and aldermen elected and sworn as aforesaid, or a majority of them, shall, as soon as may be practicable, and before they transact any other business, assemble and appoint from the freemen of said city one clerk, one marshal, one city surveyor and one solicitor, to serve for the ensuing year, who shall severally be notified and qualified, as nearly as may be, in the manner as provided for in the preceding section."

This act shall take effect in thirty days.

Approved February 13, 1855.

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[ No. 156. ]

### AN ACT to incorporate the Village of Sturgis.

Boundaries  
of village of  
Sturgis.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situate in the township of Sturgis, county of St. Joseph, and distinguished and designated as the south-west quarter of the north-east quarter, the west half of the south-east quarter of the north-east quarter, the south-east quarter of the north-west quarter, the east half of the south-west quarter of the north-west quarter, the west half of the north-east quarter of the south-east quarter, the west half of the south-east quarter of the south-east quarter, the north-west quarter of the south-east quarter, the south-west quarter of the south-east quarter, the north-east quarter of the south-west quarter, the south-east quarter of the south-west quarter, the east half of the north-west quarter of the south-west quarter, and the east half of the south-west quarter of the south-west quarter of section number one, and the north-east quarter of the north-west quarter of the north-west quarter, the north half of the north-east quarter of the north-west quarter, the north half of the north-west quarter of the north-east quarter, and the north-west quarter of the north-east quarter of the north-east quarter of section

number twelve, all in township eight south, of range ten west, be and the same is hereby constituted a town corporate, by the name of the village of Sturgis.

Sec. 2. The male inhabitants of said village having the qualifications of electors under the constitution of the State, shall meet at the school house in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder and one treasurer, who shall hold their offices one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation, for that cause, shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

Annual elections, when and where to be held.

Officers to be elected. Term of office.

Election in certain cases, when held.

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and all subsequent elections shall be held in said village, and superintended by the president, recorder and one or more of the trustees; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at said election by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if

First election, how conducted.

Subsequent elections.

Poll list to be kept.

When certain ballots to be destroyed.

**Canvass.**

**To count  
votes and  
certify re-  
sult.**

**Common  
council to  
canvass re-  
turns.**

**When vote a  
tie, new  
election to  
be had.**

**Notice of  
election.**

**Notice to  
persons  
elected.**

**Oath of off-  
icers.**

**Duties of  
president  
and recor-  
der.**

**Body cor-  
porate;  
names and  
powers, &c.**

two or more ballots are rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall compute the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village before ten o'clock in the forenoon of the next day after the said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes, so that no election be had, a new election shall be held.

Sec. 4. It shall be the duty of the recorder of said village to give five days public notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village; and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation before any justice of the peace for said county of St. Joseph to support the constitution of the United States, and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Sec. 5. It shall be the duty of the president to preside at all the meetings of said village council, and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of the proceedings.

Sec. 6. The president, recorder and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "the common council of the village of Sturgis," and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of record and any other place whatsoever, and may have a common seal,



and may alter and change the same at their pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for the use of said corporation.

May have  
real, hold  
property,  
etc.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof.

To be sub-  
ject to laws  
relating to  
township  
government,  
except in  
certain cas-  
es.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the "common council of the village of Sturgis," and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time;) and the said common council shall hold their meetings at such times and places as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy and collect, such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meetings, and also to require the attendance of any officer by them appointed, and to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Who to con-  
stitute the  
common  
council.

Quorum.

Appoint-  
ment of  
council  
meetings.

Fines for  
non-attend-  
ance.

Sec. 9. In case of the death, resignation, or removal of the president, recorder, or any of the trustees or other officers elected by the freemen of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, [who shall convene] as soon as may be, and order by a public notice to be posted up in three public places in said village, that an election will be held by the freemen of said village, to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

When com-  
mon council  
to order  
election.

Sec. 10. The common council shall have power to remove at pleasure any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same shall occur by death, resignation, removal or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Council may  
remove cer-  
tain officers,  
and fill va-  
cancies.

Treasurer  
and marshal  
to give security.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts in them, as the common council shall direct and require.

General  
powers of  
common  
council.  
To appoint  
officers.

Make by-  
laws relative  
to fees, &c.

Assess tax's.

Prevent nuis-  
ances.

Grant licen-  
ses.

Promiscu-  
ous powers.

By-laws,  
when to  
take effect.

Sec. 12. The common council shall have full power and authority to appoint a marshal and all other officers necessary under the provisions of this act, for said village, whose elections are not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting, all highway and other taxes in said village; and the said common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the same; to construct sewers and reservoirs; to license all showmen; to suppress all games of chance or hazard; to compel the owners of all buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; relative to the calling of meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to restraining of swine, horses, and other animals, from running at large in the streets, lanes and alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to suppress billiard tables and all other gaming tables kept for hire, gain or reward, in said village; and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing all disorderly and bad houses: *Provided always*, Such by-laws shall not be repugnant to the constitution and laws of the United States or of the State of Michigan: *And provided also*, That no by-laws or ordinance of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of St. Joseph, or by written notices posted up in three of the most public places in said village.

Sec. 13. The common council shall have power to make all such by-

laws and ordinances as shall be necessary to secure said village and the inhabitants thereof against injuries by fire, and persons violating the public peace; for suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all by-laws and ordinances as to them shall seem necessary, for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures on all persons offending against the by-laws and ordinances made as aforesaid.

Sec. 14. The common council shall have full power to regulate the measuring of fire wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering of the streets, sidewalks, alleys or public grounds or squares, and to regulate all grave yards and burial of the dead for said village.

Sec. 15. The common council shall have authority to lay out and establish, open, make and alter such streets, lanes and alleys, sidewalks, highways, water courses and bridges, within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purpose the grounds of any persons, they shall give notice thereof to the owner or parties interested, or his or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for the purposes aforesaid; and the said common council are hereby authorized to treat with such person for such ground or premises; and if such person shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall be lawful for said common council to direct the recorder of said village to issue a venire facias, to command the marshal of said village, (or) any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into and assess the damages, and recompense the owner or owners of, or parties interested in, such grounds or premises; which jury, being

Common council to make by-laws and regulations, and punish offenders.

To designate stand for sale of produce, &c., and make other regulations.

To lay out and alter streets, &c.

Proceedings in case private property is required to be taken.

When jury to be summoned.

**Oath of jurors.** first duly sworn by said justice faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley, sidewalk, highway or bridge shall be made, opened, established or altered, to the claimant or claimants thereof; but if such jury shall find that the claimant is not entitled to any damage, then it shall be competent for said justice to render judgment against such claimant for costs, and to issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to, and for, the purposes aforesaid:

**Damages to be tendered.** *Provided*, That any party claiming damages, may have a right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of the said party from the village, within thirty days after the verdict of such jury and the judgment of said justice, as aforesaid; and upon the filing of a transcript of the proceedings aforesaid, in the circuit court, or any other court of record having jurisdiction, the same proceedings shall be had as is prescribed by law in the case of appeals: *Provided*, That if the final judgment of said circuit or other court shall not exceed the damages assessed before said justice, the party appealing shall pay all costs occasioned by such appeal.

**When claimant to pay costs.**

**Claimant may appeal, on giving notice, &c.**

**Costs of appeal, by whom paid.**

**Justice of township to exercise jurisdiction.**

**Jury may be demanded.**

Sec. 16. Any justice of the peace of the township of Sturgis is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted them in this act, and punish the offender or offenders as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided always*, That any person arrested on a charge of violating any of the by-laws aforesaid, may demand and have a trial by jury.

Sec. 17. The marshal and such other officers as may be appointed by this corporation, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct; but the residue of the common council shall receive no pecuniary compensation.

*Compensation of officers.*

Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them, in their corporate capacity, during the year next preceding such publication, and also the disposition thereof; previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against the village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation; the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

*Duties of common council relative to settlement of accounts, &c.*

Sec. 19. In all processes, prosecutions and other proceedings, where in the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village.

*Citizens not incompetent as jurors or witnesses, by reason of citizenship.*

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, The first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

*Service of process against corporation.*

Sec. 21. The common council shall have power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on real and personal property within the limits of said village, necessary to defray the expenses thereof: *Provided*, That the

*Taxes to be assessed.*

said taxes so assessed and collected shall not exceed, in any one year, one half of one per centum upon the valuation of said real and personal property; and every assessment of tax lawfully imposed or laid by the said common council, on any lands, tenements and hereditaments, or premises whatever in said village, shall be and remain a lien on such lands, tenements and hereditaments, from the time of making such assessment or imposing such tax, until paid; and the owners or occupants, or parties in interest respectively in said real estate, shall be liable, upon demand, to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof to sell real estate, rendering the overplus, if any, after deducting the charges of such sale, to such owner, occupant or lessee: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least one month; and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the sale, shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be prima facie evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, and acknowledged by witnesses and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence; and all personal estate so sold, shall be sold according and in such manner as the common council may direct.

Sec. 22. Whenever the assessors of said village shall have completed

Tax a lien on premises.

When property to be sold for tax on.

Notice of sale.

Certificate to be given to purchaser.

If premises not redeemed, deed to be executed.

Effect of deed.

Prima facie evidence of regularity.

their assessment roll and valuation of the property, real and personal in said village, it shall be their duty to give notice thereof by publishing in any newspaper printed in said village, by at least two insertions, or putting up the same in three of the most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when and place where they will meet to hear the objections of any persons interested to the valuation so made by them, the said assessors shall meet, and on the application of any person considering him or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of said assessors, they shall have the right of appealing from such decision of the assessors at any time within ten days thereafter to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation.

Duty of assessors. Notice of completion of assessment.

When assessors may reduce valuation.

When common council may reduce valuation.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

Duty of common council relative to taxes.

Marshal to collect taxes.

Sec. 24. All moneys to be raised by tax in said village shall be collected and paid over by the marshal to the treasurer of said village, at such time and under such regulations as shall be prescribed by the ordinances of the common council.

Marshal to pay over money to treasurer.

Sec. 25. The common council shall have power to appoint one or more street commissioners or other officers to superintend and direct the making, paving, repairing and opening of all streets, lanes, alleys, sidewalks, highways or bridges within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such streets, or making such sidewalks, to be assessed on lots or premises adjoining such improvements, or by general assessment, or otherwise, as they may direct.

Street commissioner may be appointed.

Further power of common council.

Organization  
and regula-  
tions of fire  
companies.

Sec. 26. The common council shall have authority to establish and organize all such fire companies and hose and hook and ladder companies, and provide them with the proper engines and other instruments as shall be necessary to extinguish fire, and protect the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty, in the management of one engine. And such fire, hose, hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving as jurors and working a poll tax on the highways or streets of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire engine, hose, ladders and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of making [working] or examining said engine and other implements, with a view to their perfect order and repair.

Fines for  
neglect of  
duty.

Exemptions  
of members  
of fire com-  
panies.

Meetings of  
fire compa-  
nies.

Duty of mar-  
shal in case  
of fire.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing said fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Sec. 28. This act shall be deemed a public act.

This act shall take effect immediately.

Approved February 13, 1855.



[ No. 157. ]

AN ACT to provide for the location of the seat of justice of the county of Isabella.

SECTION 1. *The People of the State of Michigan enact, That the Governor to appoint three commissioners.*  
Governor appoint three suitable persons, having no interest in any lands in such county, commissioners to locate the county seat of the county of Isabella.

Sec. 2. Before proceeding to the duties of their appointment, each of said commissioners shall take and subscribe before some officer authorized to administer oaths, &c., an oath or affirmation that he will faithfully and impartially discharge the duties imposed upon or required of him by this act, and that he has no interest, direct or indirect, in any lands in said county of Isabella, and shall file said oath in the office of the Secretary of State. *Commissioners to take oath.*

Sec. 3. The commissioners so appointed shall, at such time within one year as may be by them fixed upon for that purpose, meet at some place in the said county of Isabella, and proceed to examine such places as may be proposed or suggested as proper or convenient for such location, and shall establish such county seat at such place within said county as they or a majority of them shall consider for the best interests of the county, present and prospective. *Commissioners to meet, &c. To establish county seat.*

Sec. 4. The said commissioners, or a majority of them, shall thereupon make out a certificate, under their hands and seals, setting forth the location so made and established by them, and file the same in the office of the Secretary of State; and the place so selected and designated in said certificate, shall thereupon become and be the lawfully established county seat of said county of Isabella. *To make certificate, &c.*

Sec. 5. Upon the filing of such certificate as above mentioned, the Secretary of State shall give notice of the establishment and location of said county seat, by public notice thereof, published four weeks in some newspaper printed at the seat of government. *Notice of location, how given.*

Sec. 6. The commissioners so locating said county seat of the county of Isabella, shall each be entitled to (\$3,00) three dollars per day for the time actually employed by them in traveling to and from, and in locating said county seat, to be paid by the State Treasurer on the warrant of the Board of State Auditors; and the person or persons owning land on which said location shall be made, shall deed to the county at *Compensation of commissioners. Land to be deeded to county.*

least five acres of land for county purposes, free from any charge against said county; and said commissioners may take into consideration any proposed donation of land offered to said county, in determining the location of said county seat of the county of Isabella.

This act shall take effect immediately.

Approved February 13, 1855.

[ No. 158. ]

AN ACT to amend an act entitled an act to incorporate the Port Huron and Lake Michigan Railroad Company, approved January thirtieth, one thousand eight hundred and forty-seven.

Sec. 2 of act  
No. 5 of 1847  
amended.

SECTION 1. *The People of the State of Michigan enact, That*

Capital in-  
creased.

section two of an act entitled an act to incorporate the Port Huron and

Lake Michigan Railroad Company, approved January thirtieth, one

thousand eight hundred and forty-seven, be and the same is hereby

amended by striking out in the first line of said section two, the word

"two," before the word "millions," and inserting the word "eight" in-

stead thereof; also, in the second line of said section two, by striking

out the word "twenty," before the word "thousand," and inserting the

word "eighty" instead thereof; and also, amend section three of said

Section 3  
amended.

act by adding at the end thereof the words following, to-wit: "and for

the purpose of providing means for the construction of said railroad, its

shops, buildings, depots and equipments, said company may issue its

May issue  
bonds, &c.

corporate bonds or obligations for such amounts, not less than one hun-

dred dollars, and in the aggregate not exceeding their subscribed capi-

tal stock, and in such forms as it may deem proper, and payable at such

times and places, upon such terms and with such rates of interest, as it

may determine, and with power to convert all such bonds or obligations

into shares of the capital stock of eight millions of dollars, and may

secure the payment of the whole or any portion of said bonds or obli-

gations, by mortgage of the road or other property of the company;

and in case said bonds or obligations, or any of them, shall be sold, dis-

posed of, or negotiated at a discount, such sale, disposal, or negotiation,

shall be as valid and effectual as if said bonds or obligations had been

New section  
(31) added.

sold, disposed of, or negotiated at their par value;" also, amend said act by

adding a new section to stand as section thirty-one of said act, as follows

" Said company shall have power and authority to own, charter or hire, <sup>Authorized to own boats, &c.</sup> and to employ and use, in the navigation of the lakes and rivers, and waters contiguous to said road, and the ports thereof, boats or vessels propelled by steam or other power, as it may deem necessary for the purpose of the transportation and carriage of persons and property to and from the ports upon the said waters at the termini of the said road; and said company may demand and receive such rates, prices and remuneration, for the transportation of persons and property on such boats or vessels, as to it shall seem meet and proper: *Provided*, That such rates, prices, and remuneration, shall not exceed the rates, prices, and remuneration, charged or demanded by the owners of other similar boats or vessels on the same lakes, rivers or waters, for like services; and the said company shall have full authority to purchase, contract for, construct, repair, manage control, sell and dispose of, any and all such boats or vessels as are contemplated in this section, and to exercise any and every such power in relation to any and all such boats or vessels, as an individual person might or could lawfully exercise in regard thereto;" and also, amend said act by adding a section thereto, to stand as section thirty-two of said act, as follows: "The president and directors of said company, or a majority of them, may cause books to be opened at such times and places as they may appoint, to receive subscriptions to the increased capital stock hereinbefore granted, and upon such terms as they shall determine, first giving thirty days public notice of the time and place so appointed for such book or books to be opened, and the terms on which such subscription can be made, such notice to be published in some newspaper printed in the city, township or county, where the book or books of subscriptions shall be respectively opened; and they may also appoint such agents or trustees as they may deem necessary and proper to receive instalments, assessments or calls, upon the capital stock of said company, and to pay dividends, and to make the same payable and receivable in either or all of the cities of New York, Boston, Montreal and London;" also, amend section eleven of said act, by <sup>New section (32) added. May open books for subscription to stock.</sup> inserting after the words "northern railroad," in the forty-sixth line, <sup>Section 11 amended.</sup> the following: "and also any portion of the line of said railroad."

Sec. 2. Add a new section to stand as section thirty-three: "Any other railroad company which is or may be authorized by any law of this State to construct a railroad, shall have the right to cross the track <sup>New section (33) added.</sup>

Other roads  
allowed to  
cross, &c

or railroad of said Port Huron and Lake Michigan Railroad Company, and to unite or connect its railroad with that of said company, at any point on its route, and to construct the necessary turn-outs, sidings, switches, and other conveniences, in furtherance of the object of its connections; and the said company is authorized to make such business arrangements with such other railroad company as they may mutually agree upon; and if the places or manner of such crossings and connections cannot be agreed upon, then there shall be three commissioners appointed by the circuit court having jurisdiction in the county where such crossing or connection is desired to be made, whose duty it shall be to determine how the said railroad shall be crossed, and to assess the just compensation to be paid by the company applying for such crossing, which sum so assessed shall be paid or tendered to said company; and when the same shall be so paid or tendered to said company, such other railroad company shall have the absolute right to make and complete such crossing and connections in the manner determined by said commissioners: *Provided*, That nothing herein contained shall be construed to give to the company so connecting, intersecting or crossing, the right to use the track, or any part thereof, of the company hereby incorporated."

Section 14  
struck out  
and new sec.  
inserted.

Sec. 3. Strike out section fourteen, and insert the following to stand as section fourteen: "The commissioner or judge to whom such application shall be made, shall thereupon appoint a commission of inquest, to be composed of three persons, qualified to serve as jurors in the circuit court, who shall meet on or near the lands, or some parcel thereof, or at the place where the materials to be valued may be, and touching which the assessment of damages is proposed to be taken, who shall take and subscribe an oath or affirmation before some person authorized by law to administer oaths, to make a just and impartial valuation of the lands or materials, and the actual damages which the claimant, owner or occupant shall sustain by reason of the taking of any lands and materials for the use of said railroad by said company, as in and by this act provided. And the three persons so appointed and sworn, shall be the commission of inquest to ascertain and determine the necessity for using such lands and materials, and the just compensation to be paid therefor in all cases in such county, in which the said company, by its agents, have failed to agree with the

Commissioners  
to assess  
damages.

owner, claimant or occupant for any lands or materials, as aforesaid, necessary to be used in the construction of said railroad; and when the said company, by its agent, shall make a tender of any sum of money as the estimated damages which any owner, claimant or occupant of any lands or materials, as aforesaid, proposed to be taken by the company for the use of said railroad, may sustain, and the sum so tendered not being accepted by the owner, claimant or occupant as aforesaid, and if the commission of inquest award a sum less than the amount so tendered, then the owner, claimant or occupant shall recover no costs; and said commission of inquest shall reduce their inquisition to writing, and shall sign and seal the same, and make two copies thereof, one of which shall be delivered to the said company, and the other to the owner, claimant or occupant as aforesaid, as the case may be, if the same be requested. The commission of inquest shall describe therein the materials valued, and set out by metes and bounds the lands taken by said company, as aforesaid, and the same shall be filed with the county clerk, and be confirmed by the circuit court of the proper county in which such lands or property shall be, at the first session of said court after the said inquest be taken: *Provided*, On cause shown, said court may confirm the doings of said commission at any term of said court; and the court may, on cause shown, direct a new inquest to be taken. When any such inquest shall be confirmed by the court, the same shall be recorded at the expense of the said railroad company: *Provided*, That in case either the claimant for damages or the said railroad company shall be dissatisfied with the award of the commission of inquest, they or either of them may apply to the commissioner or judge aforesaid for a jury of twelve to re-assess the damages; who shall, thereupon, proceed to the office of the clerk of such county, and direct him to draw from the petit jury box of such county twelve names, and the clerk shall, thereupon, draw from such petit jury box twelve names, and make a list of the same. The said clerk shall then replace the twelve names in the jury box. When the clerk shall have so drawn the twelve names, he shall compute the amount of fees of the commissioner or judge and clerk, and also the fees of the officers in summoning and attendance upon the jury, including also the travel and one days' attendance of each of the jurors so drawn, and present the same to the party ap-

Damages to  
be tendered.

Awards,  
how made,  
&c.

Award to be  
affirmed.

Recorded.

Either party  
may have a  
jury to as-  
sess dam-  
ages.

Drawing of  
jury.

Fees of ju-  
rors to be  
deposited.

plying for said jury, for the payment thereof; and on the party applying, as aforesaid, depositing the amount of such fees, which shall in all cases be computed as fees for jurors, commissioners and officers for like services rendered in the circuit court and taxable therein, with the clerk, the commissioner or judge, shall issue his warrant, under his hand and seal, inserting therein the twelve names so drawn from the jury box, and direct his warrant to the sheriff of such county; or, if the sheriff be interested, then to one of the coroners; or, if the sheriff and coroners be interested, then to one of the constables of said county, requiring him to summon the twelve persons whose names are inserted therein, to meet on or near the lands or material to be valued, or touching which damages are to be assessed, on a day named therein, not less than five nor more than ten days after the issuing of said warrant; and if, at the time and place named in the warrant, any of the persons summoned do not attend, the said officer shall immediately summon as many persons of the qualification aforesaid, as, with those in attendance as jurors, will furnish a panel of twelve jurors. And the said twelve persons so summoned, and present, shall sit as a jury of inquest of damages; and before they act as such, the officer in attendance upon such jury, shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or occupier has sustained, or will sustain, by the occupation of the land or taking of the material required by the said company. And the said jury of inquest shall reduce their inquisition to writing, shall sign and seal the same, setting forth therein a description of the property valued, which they shall file with the clerk of the county, and shall also make two copies of the same, one of which shall be delivered to each of the parties, if requested by such party. Said inquisition, when confirmed by the circuit court, shall be recorded by the clerk, at the expense of the company; but if not confirmed, another inquisition may be taken in the manner specified. And the clerk of such county, on receiving from the jury their inquisition, shall pay the said jurors and officers their proper fees, not exceeding the amount so deposited with him by the party applying to for said jury. Said company shall erect and maintain fences on the sides of their road, of the height and strength of a division fence required by law, with openings or gates or bars therein, and form cross-

**Jury to be sworn.**

**Duty of jury.**

**Company to maintain fences.**

sings of the road for the use of the proprietors of lands adjoining such railroad, and also to construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railroad; until such fences and cattle guards shall be duly made, the corporation and its agents shall be liable for all damages which shall be done by their agents or engines, to cattle, horses or other animals thereon; and after such fences and guards shall be duly made and maintained, the corporation shall not be liable for any such damages, unless negligently or wilfully done; and if any person shall ride, lead or drive any horse or animal upon such road, and within such fences and guards other than at former crossings, without the consent of the corporation, he shall for every such offence forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved." Amend section fifteen of this act by inserting before the word "jury," "commission of inquest, or;" and insert after the word "company," at the end of said section fifteen, and as a part thereof, the words, "except as hereinbefore excepted and provided." Amend by adding the following to stand as section thirty-four: "To entitle the said Port Huron and Lake Michigan Railroad Company to the benefit of the provisions of this act, such company shall, within sixty days from the passage of this act, file its assent, in writing, to this act, signed by the president of said company, in the office of the Secretary of State;" so that said act, as amended, will read as follows:

Section 15  
amended.

"AN ACT to incorporate the Port Huron and Lake Michigan Railroad Company.

SMOTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Wells, Alvin N. Hart, Charles C. Hascall, Alfred L. Williams, Jesse F. Turner, Ira Porter, Edmund B. Bostwick, and Thomas W. White, be, and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Port Huron and Lake Michigan Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, in some newspaper printed at Detroit,

Commissioners  
to receive  
subscriptions.

Notice.

and at the seat of government of this State, and in all papers published in the counties through which the contemplated line of said road passes.

Amount of  
capital  
stock.

Sec. 2. The capital stock of said company shall be eight millions of dollars, in eighty thousand shares, of one hundred dollars each; and as soon as one thousand shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be, and they are hereby created a body corporate and politic, by the name and style of the "Port Huron and Lake Michigan Railroad Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued; may have a common seal, which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Body corporate.

Terminal of  
road.

Sec. 3. Said company hereby created, shall have power to construct a railroad with a double or single track, from Port Huron, in the county of St. Clair, running westerly, until it shall intersect Lake Michigan, at or near the mouth of Grand River, with power to take, transport and carry property and persons upon the said railroad, or any part thereof, herein authorized to be constructed, by the power and force of steam, or of animals, or of any mechanical or other power, or of any combination of them, which the said company may choose to use or apply; and for the purpose of providing means for the construction of said railroad, its shops, buildings, depots and equipments, said company may issue its corporate bonds or obligations for such amounts, not less than one hundred dollars, and in the aggregate not exceeding the subscribed capital stock, and in such forms as it may deem proper, and payable at such times and places, upon such terms and with such rates of interest as it may determine; and with power to convert all such bonds or obligations into shares of the capital stock of eight millions of dollars, and may secure the payment of the whole or any portion of said bonds or obligations, by mortgage of the real, or other property of the company; and in case said bonds or obligations or

May issue  
bonds, &c.

May mortgage  
road,  
&c.



any of them shall be sold, disposed of or negotiated at a discount, such sale, disposal or negotiation shall be as valid and effectual as if said bonds or obligations had been sold, disposed of or negotiated at their par value.

Sec. 4. If said corporation shall not, within ten years after the passage of this act, commence the construction of the said railroad, and shall not, within twenty years from the passage of this act, construct, finish, and put in operation, the whole of said railroad, then the rights, privileges and powers of said corporation, shall be null and void, as far as it regards such part of said railroad as shall not be finished within the period limited by this act. Limitation of time.

Sec. 5. Whenever one thousand shares of the capital stock shall have been subscribed, if within three years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days public notice of such meeting, and shall lay the books of subscription before the subscribers then present; and thereupon the said stockholders, or a majority of them, shall elect seven directors, by ballot, a majority of whom shall be competent to manage the affairs of said company, and all of whom shall be stockholders in said company; and said directors are empowered to elect one of their number president, and on all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy. Meeting of subscribers, when to be called.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually, on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur, by death, resignation, or otherwise, of any president or director, before the year for which he was elected, shall have expired, such vacancy, for the remainder of the year, may be filled by the directors of said company, or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections which are by this act, or by the by-laws of the company, to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section. Directors chosen annually.

Sec. 7. A general meeting of the stockholders of said company shall Vacancy, how filled.

**Meetings of stockholders.** be held annually, at the time and place appointed for the election of president and directors, and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors, or by the stockholders owning not less than one-fourth of the whole stock subscribed, by giving thirty days' public notice of the time and place of meeting; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if, at any meeting thus called, stockholders owning a majority of stock subscribed are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days without transacting any business; and if, within said three days, stockholders having a majority of such stock do not attend any such meeting, in person or by proxy, then the said meeting shall be dissolved.

**Statement to be made at annual meeting of stockholders, &c.** Sec. 8. At each annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, those holding a majority of the stock subscribed, may remove from office any president, or any of the directors of said company, and elect others in their stead: *Provided*, Notice of such intended removal has been given, as hereinbefore provided.

**Officers may be removed, &c.**

**Notice.**

**Powers of directors, &c.** Sec. 9. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine, the compensation of all such officers, engineers, agents and servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock in said company; and they shall have power to pass all the by-laws which may be necessary for carrying into execution all the powers vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this State: *And provided further*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage,

dealing in produce, or any other business, except what properly belongs to a railroad and transportation company, as hereinafter provided.

Sec. 10. For the purpose of constructing said railroad or way, said company shall have authority and power to lay out, designate and establish their road, in width not exceeding one hundred feet, through the entire line thereof; and may take, have and appropriate to their use, all such lands so designated for the line of construction of said road; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road; and for constructing shops, depots, and other proper, suitable and convenient fixtures, in connection with and as appurtenances to said road, may take, have, use and occupy, any lands on either side of said railroad, not exceeding two hundred feet in width from said railroad, the said company taking all such lands as gifts, or purchasing or making satisfaction for the same, in manner hereinafter provided.

Power of company to lay out and establish road, &c.

Sec. 11. The said company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the State, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said railroad with one or more sets of tracks or rails, and for all the purposes connected with said railroad, for which the said company, by the last preceding section, is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of railroad, the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company; and also to make build, erect and set up, in and upon the route of said railroad, or upon the land adjoining or near the same, all such works, ways, roads and conveniences, as may be requisite and convenient for the purposes of said railroad; and also, from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying or conveying goods, commodities, timber, or other

Authority to make surveys, &c.

Damages.

General powers.

things, to and upon said railroad, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging, the works of or connected with said railroad, and to contract or agree with the owner or owners thereof for earth, timber, gravel, stone, or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road or any of its works or appurtenances; and also, to make, repair, maintain and alter, any fences or passages under or through the said railroad, or which shall communicate therewith, and to construct, erect, and keep in repair, any piers, arches, or other works, in and upon and across any rivers or brooks, for making, using or maintaining the said rail road and side paths; and also to construct, make and do all other matters and things which may be necessary and convenient for making, effecting and preserving, improving, completing and using the said railroad, in pursuance of and with [within] the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road; and it shall be lawful for the company to enter upon and take possession of, and appropriate to their own use, in the construction of the said road, any portion of the so called line of the northern railroad, and also any portion of the line of said railroad, which, by acts of the Legislature, approved April second, one thousand eight hundred and forty-one, and March ninth, one thousand eight hundred and forty-three, respectively, was converted into the northern wagon road; and the State hereby releases to said company, all her rights, privileges and immunities, to such portion of the line of said road as the company may deem proper to use in constructing the aforesaid railroad.

Northern R.  
R. line, &c.

May take  
grants, &c.,  
for purposes  
of construc-  
tion.

Sec. 12. The said company shall have power and authority to receive, take and hold, all such voluntary grants and donations of land and real estate, for the purposes of said railroad, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said railroad; and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said railroad or way, or which said company may wish to

use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth, or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said railroad, or which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said railroad, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise; and in case said company cannot agree with the owner or occupiers of such lands as aforesaid, so as to procure the same by the voluntary act or deed of such owner or occupier thereof; or if the owners or occupiers, or either or any of them, be a femme covert, under age, non compos mentis, unknown, or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, circuit judge, or judge of probate, of such county in which the lands are situate, or the judge of the supreme court, for an assessment and inquisition, as hereinafter provided.

When parties cannot agree. &c.

Sec. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service of such notice three days before making such application, or by public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the State paper, if there be one, and if there be none, then in some newspaper printed in the city of Detroit; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block, and number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice, shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise; evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in

Notice to owners, &c.

Description of lands to be taken.

Evidence of publication.

which such notice was published, or some disinterested person knowing the fact; such affidavit, when made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth.

Commission  
of inquest.

Sec. 14. The commissioner or judge to whom such application shall be made, shall thereupon appoint a commission of inquest, to be composed of three persons, qualified to serve as jurors in the circuit court, who shall meet on or near the lands, or some parcel thereof, or at the place where the property or materials to be valued may be, and touching which the assessment of damages is proposed to be taken,

Oath of  
commissioners.

who shall take and subscribe an oath or affirmation before some person authorized by law to administer oaths, to make a just and impartial valuation of the lands or materials, and the actual damages which the claimant, owner, or occupant shall sustain by reason of the taking of any lands and materials for the use of said railroad by said company. And the three persons so appointed and sworn, shall

Duty of  
commissioners.

be the commission of inquest to ascertain and determine the necessity for using such lands and materials, and the just compensation to be paid therefor, in all cases in such county, in which the said company,

When  
claimant not  
to recover  
costs.

by its agents, have failed to agree with the owner, claimant or occupant for any lands and materials to be used in the construction of said railroad; and when said company, by its agent, shall make a tender of any sum of money as the estimated damages which any owner, claimant or occupant of any lands and materials as aforesaid, proposed to be taken by the company for the use of said railroad, may sustain, and the sum so tendered not being accepted by the owner, claimant or occupant as aforesaid, and if the commission of inquest award a sum less than the amount so tendered, then the owner,

Inquest,  
how made,  
&c.

claimant or occupant shall recover no costs; and said commission of inquest shall reduce their inquisition to writing, and shall sign and seal the same, and make two copies thereof, one of which shall be delivered to the said company, and the other to the owner, claimant or occupant as aforesaid, as the case may be, if the same be requested. The commission of inquest shall describe therein the materials valued, and set out by metes and bounds the lands taken by said company, as aforesaid, and the same shall be filed with the county clerk, and be confirmed by the circuit court of the proper county in which such lands

and materials shall be, at the first session of said court after the said inquest be taken: *Provided*, On cause shown, said court may confirm the doings of said commission at any term of said court; and the court may, on cause shown, direct a new inquest to be taken. When any such inquest shall be confirmed by the court, the same shall be recorded at the expense of the said railroad company: *Provided*, That in case either the claimant for damages or the said railroad company shall be dissatisfied with the award of the commission of inquest, they or either of them may apply to the commissioner or judge aforesaid for a jury of twelve to re-assess the damages; who shall thereupon proceed to the office of the clerk of such county, and direct him to draw from the petit jury box of such county twelve names, and the clerk shall thereupon draw from such petit jury box twelve names, and make a list of the same. The said clerk shall then replace the twelve names in the jury box. When the clerk shall have so drawn the twelve names, he shall compute the amount of fees of the commissioner or judge and clerk, and also the fees of the officers in summoning and attendance upon the jury, including also the travel and one days' attendance of each of the jurors so drawn, and present the same to the party applying for said jury, for the payment thereof; and on the party applying as aforesaid, depositing the amount of such fees, with the clerk, the commissioner or judge shall issue his warrant, under his hand and seal inserting therein the twelve names so drawn from the jury box, and direct his warrant to the sheriff of such county; or, if the sheriff be interested, then to one of the coroners; or, if the sheriff and coroners be interested, then to one of the constables of said county, requiring him to summon the twelve persons whose names are inserted therein, to meet on or near the lands, material or property to be valued, or touching which damages are to be assessed, on a day named therein, not less than five nor more than ten days after the issuing of said warrant; and if, at the time and place named in the warrant, any of the persons summoned do not attend, the said officer shall immediately summon as many persons of the qualification aforesaid, as, with those in attendance as jurors, will furnish a panel of twelve jurors. And the said twelve persons so summoned, and present, shall sit as a jury of inquest of damages; and before they act as such, the officer in attendance upon such jury, shall administer to each of them

Confirmation  
of inquest.  
New in-  
quest.  
Recorded.

Either party  
may have  
jury to as-  
sess, &c.

Drawing of  
jury.

Jury fees to  
be deposit-  
ed.

Jury to be  
summoned.

When num-  
ber deficient  
to be sup-  
plied.

Oath of ju-  
rors.

an oath or affirmation that they will justly and impartially value the damages which the owner or occupier has sustained, or will sustain, by the occupation of the land or taking of the materials or other property required by the said company. And the said jury of inquest shall reduce their inquisition to writing, shall sign and seal the same, setting forth therein a description of the property valued, which they shall file with the clerk of the county, and shall also make two copies of the same, one of which shall be delivered to each of the parties, if requested by such party. Said inquisition, when confirmed by the circuit court, shall be recorded by the clerk, at the expense of the company; but if not confirmed, another inquisition may be taken in the manner specified. And the clerk of such county, on receiving from the jury their inquisition, shall pay the said jurors and officers their proper fees, not exceeding the amount so deposited with him by the party applying for said jury.

Record of  
inquest.

Jury, how  
paid.

Amount as-  
sessed to be  
tendered.

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued, shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the commission of inquest or jury which makes the inquisition, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the Treasurer of this State of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment, or a tender thereof to the person entitled to the same; and the State Treasurer shall receive and keep account of all moneys so received into the State treasury, and shall pay them to the parties entitled thereto, on the order of the circuit judge, or

When mo-  
ney to be  
deposited.

Effect of in-  
quisition.

of a justice of the supreme court; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company, in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, un-



less prior thereto said company shall have satisfied the damages found or assessed by such inquisition in manner aforesaid; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use or occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to or vested in said company, then, in any and all such cases, said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed; and the commissioner or judge issuing the warrant, and the sheriff, coroner or constable, and jurors to be summoned under this act, shall be entitled for the services rendered by them, to such compensation as may be fixed therefor by a circuit judge or a justice of the supreme court, by an order for that purpose to be made by him; and which costs shall be paid by said company, except as hereinbefore excepted and provided.

Where right of way is found defective.

Compensation of judge, sheriff, &c.

Sec. 16. Whenever, in the construction of said railroad, it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct said railroad across such established road, as not unnecessarily to impede the passage of persons or property along the same; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways, and keep the same in repair, across said railroad, from one part of his land to another.

Road crossings, &c.

Sec. 17. If said company shall neglect to provide proper wagon ways across said railroad, and keep the same in repair, as required by the preceding section of this act, it shall be lawful for any individual to sue said company, and to recover such damages as a court or jury may think him, her or them entitled to for such neglect or refusal on the part of said company. When it shall be necessary for the convenience of the public, or persons receiving or sending property by said railroad, the said company shall permit side tracks to intersect their main road, at any depot on or along the line of said road; and such persons shall be entitled to have any property taken from such side tracks, under the direction and regulations of said company, without unreasonable delay.

Damages for not keeping crossings, &c., in repair.

To permit side tracks.

May contract with other incorporated companies in certain cases.

Sec. 18. If it shall be necessary for the said railroad company, in the selection of the route or the construction of the said railroad, to be by them laid out and constructed, or any part of it, to connect the same with, or to cross any railroad, canal, dam or bridge, made or erected by any incorporated company, or authorized by any law of this State, it shall be lawful for the said company to contract with such other corporation, for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation, to the said company hereby incorporated, as may be necessary in that respect; and every such other corporation, acting under the laws of this State, is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation to exercise their corporate power, or by any persons who are by the laws of this State entrusted with the management and direction of such railroad, canal, dam or bridge, or any of the rights or privileges aforesaid; and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties, under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the right to use and enjoy the same, as fully as they are used and enjoyed by the said corporation in whom they are now vested.

Certain powers, rights, &c.

Sec. 19. The said company shall have power to purchase with the funds of the company, or contract for and place on any railroad constructed by them under this act, all machines, wagons, carriages or vehicles, of any description which they may deem necessary and proper for the purposes of transportation on said railroad, and they shall have power to charge for tolls and transportation, such sums as shall be lawfully established by the by-laws of said company; and it shall not be lawful for any other company, or any other person or persons, to transmit any passengers or merchandize, or property of any description whatever, upon said railroad, or any part of it, without the license or permission of said company; and the said railroad, with all its improvements, works and profits, and all machinery used on said railroad for transportation, and all the machine shops, depots, buildings and edifices, connected with said railroad, shall be vested in the said company forever; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of said com-

Stock personal property, transferable, &c.

pany, agreeably to the by-laws of said company, and subject to be taken in execution, agreeably to such laws as are or may be hereafter in force.

Sec. 20. The said company shall have full power and authority to ask for, demand, recover and take, the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers, using or occupying the said railroad, or any other convenience, erection or improvement, built, occupied or owned by the said company, to be used therewith; but such tolls or dues shall not exceed the maximum authorized to be charged by the Michigan Central Railroad Company for corresponding distances; and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business, as to them may seem necessary; said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known; and said company shall transport merchandize and property and passengers upon said road without partiality or favor, and with all practicable dispatch, under a penalty for each violation of this provision of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company; but soldiers, sailors and marines, and officers of the army and navy of this State, or in the service of the United States, and arms, ordnance, military stores and munitions of war, shall take precedence of other persons or property, first in favor of this State, second of the United States.

Sec. 21. Whenever it shall be necessary for the construction of their railroad to intersect or cross any stream of water or water course, or road or highway, lying on the route of the said railroad, it shall and may be lawful for the company to construct their railroad across or upon the same: *Provided*, That the said company shall restore the stream

Rights to demand tolls, &c.

Restriction.

Charge for storage.

Notice.

Duties in transporting persons and property, &c.

Military precedence.

Crossing highway, streams, &c.

or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

**Dividends.**

Sec. 22. The said company may annually or semi-annually, make such dividend as they may deem proper, of the nett profits, receipts or income of the said company, deducting the necessary expenses, and they shall make the dividend among the stockholders of the said company in proper proportions to their respective shares.

**Payment of  
subscriptions  
to stock.**

Sec. 23. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company, at such times and in such proportions, and on such conditions as they shall deem proper and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And

**Notice of as-  
sessment.**

the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell

**Stock may  
be sold for  
non-pay'm't.**

such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the company by the pres-

**Subscribers  
liable for  
any balance,  
&c.**

ident thereof; and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon with the interest and costs of sale, and such costs and interests to be first paid from the proceeds of

**Entitled to  
surplus.**

such sale, and shall be entitled to the surplus, if his share or shares shall sell for more than the assessments due, with interest and cost of sale: *Provided, however,* That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

**Powers, &c.,  
of directors.**

Sec. 24. The directors shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise, except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of this company.

Sec. 25. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the Secretary of State, which shall embrace the business of the preceding year, to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of capital stock subscribed, and the amount actually paid in; and the amount of all loans made by said company, for the purpose of constructing said road; the amount of dividends; the names of the stockholders, with the amount of stock owned by each, respectively; receipts from freight, from passengers, and from all other sources on account of operating the road; the number of through and way passengers, respectively; the expenditures for the repairs of the road; for repairs of engines and cars, and other expenditures, which three items shall include all the expenditures for operating the road, and the expenditures made for construction during the year; the number of engines, of passenger, freight and other cars; the average number of men in employment of the company; the number of miles run by passenger, by freight and other trains; which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the Secretary of State.

Sec. 26. The said company shall pay to the State an annual tax of one-half of one per cent. upon its capital stock paid in, including loans made by said company, for the purpose of constructing said railroad, until the first day of February, A. D. one thousand eight hundred and seventy-five, and thereafter, an amount of three-fourths of one per cent. on the capital stock paid in, including all loans made to said company; which tax shall be paid in the last week in January in each year, to the State Treasurer, and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every tax, charge and exaction by virtue of any laws of this State now or hereafter to be in force, except penalties by this act imposed.

Sec. 27. The State shall have a lien upon the railroad of said company, its appurtenances and stock thereon, for all penalties, taxes and

dues which may accrue to the State from said company, which shall take precedence of all other debts or demands, judgments or decrees against said company; and every inhabitant of this State shall have a lien upon said railroad, stock and appurtenances, and upon the property of said company, for all penalties, dues or demands against said company to the amount of one hundred dollars, originally contracted within this State, which, after said State lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said road or company.

Punishment  
for destroy-  
ing or ob-  
structing  
works.

Sec. 28. If any person shall wilfully or maliciously do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction, or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine, or by imprisonment not exceeding five years, or both, at the discretion of the court, and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said company, with costs of suit, by action of trespass or trespass on the case.

To trans-  
port mail.

Sec. 29. Said company shall at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department; and in case no such agreement can be made, it shall be lawful for the Governor of this State to appoint one commissioner, and said company one, who, in case they cannot agree, shall appoint a third commissioner; which said commissioners, or a majority of them, shall agree upon and fix the prices, terms and conditions of transporting such mail, after fifteen days' notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Right to al-  
ter or repeal  
reserved.

Sec. 30. The Legislature may at any time alter, amend, or repeal this act, by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal, shall not be made within thirty years

after the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions thereof.

Sec. 31. Said company shall have power and authority to own, charter or hire, and employ and use, in the navigation of the lakes and rivers, and waters connecting the same, and the ports thereof, boats or vessels propelled by steam or other power, as it may be necessary for the purpose of the transportation and carriage of persons and property to and from the ports upon the said waters, at the termini of the said road; and said company may demand and receive such rates, prices and remuneration, for the transportation of persons and property on such boats or vessels, as to them shall seem meet and proper: *Provided*, Power to own boats, &c. That such rates, prices and remunerations, shall not exceed the rates, prices and remunerations charged or demanded by the owners of other similar boats or vessels on the same lakes, rivers or waters, for like services; and the said company shall have full authority to purchase, contract for, construct, repair, manage, control, sell and dispose of, any and all such boats and vessels as are contemplated in this section, and to exercise any and every such power in relation to any and all such boats or vessels, as an individual person might or could lawfully exercise in regard thereto. Restriction.

Sec. 32. The president and directors of said company, or a majority of them, may cause books to be opened, at such times and places as they may appoint, to receive subscriptions to the increased capital stock To open books for subscriptions to increase capital stock. hereinbefore granted, and upon such terms as they shall determine, first giving thirty days public notice of the time and place so appointed for such book or books to be opened, and the terms on which such subscriptions can be made; such notice to be published in some newspaper Notice. printed in the city, township or county, where the book or books of subscription shall be respectively opened; and they may also appoint Appoint agents, &c. such agents or trustees as they may deem necessary and proper, to receive instalments, assessments or calls, upon the capital stock of said company, and to pay dividends, and to make the same payable and Dividends. receivable in either or all of the cities of New York, Boston, Montreal and London.

Sec. 33. Any other railroad company which is or may be authorized by any law of this State to construct a railroad shall have the right Other railroads may cross track, &c.

**Taxation of  
mining  
companies.**

Sec. 4. In lieu of the specific tax on their corporate stock now provided for by law, all chartered mining companies, chartered by this State, shall hereafter be subject to the payment of specific taxes, in the manner and to the extent set forth in section 20, of an act entitled "an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February 5, 1853.

Approved February 13, 1855.

[ No. 166. ]

AN ACT to incorporate the Village of Hastings.

**Boundaries  
of village of  
Hastings.**

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situate in the township of Hastings, in the county of Barry, and State of Michigan, known and described as follows, to-wit: the west half of section seventeen, the east half of section eighteen, the south half of the south-west quarter of section eight, and the south-east quarter of the south-east quarter of section seven, all in town three north, of range eight west, be and the same is hereby constituted a town corporate by the name of the village of Hastings.

**Annual  
elections,  
when and  
where to be  
held.**

Sec. 2. The male inhabitants of said village having the qualifications of electors under the constitution, shall meet at the court house in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder and one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation, for that cause, shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

**Officers to  
be elected.  
Term of  
office.**

**Election in  
certain ca-  
ses, when  
held.**

Sec. 3. At the first election to be holden in said village under this



act, there shall be chosen, viva voce, by the electors present, two judges <sup>First elect'n, how conducted.</sup> and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and subsequent elections <sup>Subsequent elections.</sup> shall be held in said village, and superintended by the president, recorder and one or more of the trustees; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the officer or officers holding the same; <sup>Poll list to be kept.</sup> and the said officer or officers shall proceed, without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election, <sup>When certain ballots to be destroyed.</sup> shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said <sup>Canvass.</sup> canvass and estimate on the same day, or on the next day, and shall <sup>To count votes and certify result.</sup> thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the <sup>Common council to canvass returns. In case of a tie, election to be determined by lot.</sup> result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper of equal lot size as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of

said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

Notice of election.

Sec. 4. It shall be the duty of the recorder of said village to give five days public notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village; and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after receiving

Notice to persons elected.

Oath of officers.

a copy of such notice, take an oath or affirmation before any justice of the peace or notary public for said county of Barry, to support the constitution of the United States, and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Duties of president and recorder.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of the proceedings.

Body corporate; names and powers, &c.

Sec. 6. The president, recorder and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Hastings, and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of record and any other place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by that same name shall be and are hereby made capable of purchasing and holding, conveying or disposing of any real or personal estate for the use of said corporation.

May have seal, hold property, &c.

To be subject to laws relating to township government, except in certain cases.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof.

Who to constitute the common council.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the common council of the village

of Hastings, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number Quorum. may adjourn from time to time;) and the said common council shall hold their meetings at such time and place as the president, or in his Appoint-  
ment of  
council  
meetings. absence, the recorder may appoint; and the common council shall have power to impose, levy and collect, such fines as they may deem proper Fines for  
non-attend-  
ance. for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Sec. 9. In case of the death, resignation or removal of the president, recorder, or any of the trustees or other officers elected by the electors When com-  
mon council  
to order  
election. of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order by a public notice to be posted up in three public places in said village, that an election will be held by the electors of said village, to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Sec. 10. The common council shall have power to remove at pleasure any of the officers by them appointed by virtue of this act, and to fill Council may  
remove cer-  
tain officers,  
and fill va-  
cancies. all vacancies that may happen in any of said offices, so often as the same may occur by death, resignation, removal or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give Treasurer  
and marshal  
to give secu-  
rity. such security for the faithful discharge of the trusts reposed in them, as the common council shall direct and require.

Sec. 12. The common council shall have full power and authority to appoint a marshal and all other officers necessary under the provisions of this act, for said village, whose elections are not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; rel- General  
powers of  
common  
council.  
To appoint  
officers.  
Make by-  
laws relative  
to fees, &c.

ative to time and manner of working upon the streets, lanes and alleys  
 Assess tax's of said village; relative to the manner of assessing, levying and collect-  
 ing, all highway and other taxes in said village; and the common  
 council shall have power to make by-laws and ordinances relative to all  
 nuisances within the limits of said village, and for the abatement of the  
 same, and for the punishment, by fine, of all persons occasioning the  
 same; to construct sewers and reservoirs; to license all showmen; to  
 suppress all games of chance or hazard; to compel the owners of  
 buildings to procure and keep in readiness such number of fire buckets  
 as shall be ordered by the common council; to regulate bridges within  
 the limits of said village; relative to the protecting of the village from  
 fires; relative to calling of meetings of the electors of said village;  
 relative to the keeping and sale of gunpowder in said village; relative  
 to the restraining of swine, horses, and other animals, from running at large  
 in the streets, lanes and alleys, and other public places in said village;  
 to regulate and establish one or more pounds for said village; to sup-  
 press billiard tables and all other gaming tables kept for hire, gain or  
 reward, in said village; and also, full power and authority to make all  
 such by-laws and ordinances as may be deemed by the common council  
 expedient or necessary for the preventing and suppressing all disorderly  
 and bad houses: *Provided always*, Such by-laws shall not be repugnant to  
 the constitution and laws of the United States or of the State of Mich-  
 igan: *And provided also*, That no by-laws or ordinances of said cor-  
 poration shall have any effect until the same shall have been published  
 three weeks successively in a newspaper printed in said county of  
 Barry, or by written notices posted up in three of the most public pla-  
 ces in said village.

By-laws not  
to take ef-  
fect until  
published.

Common  
council to  
make by-  
laws and  
regulations,  
and punish  
offenders.

Sec. 13. The common council shall have power to make all such by-  
 laws and ordinances as shall be necessary to secure said village and the  
 inhabitants thereof against injuries by fire, and persons violating the  
 public peace; for suppression of riots and gambling, and for the pun-  
 ishment of the same; for the apprehension and punishment of va-  
 grants, drunkards, and idle persons; and they shall have power to  
 make all such by-laws and ordinances as to them shall seem necessary, for  
 the safety and good government of said village and the inhabitants  
 thereof, and to impose all fines, penalties or forfeitures on all persons  
 offending against the by-laws and ordinances made as aforesaid.

Sec. 14. "The common council shall have full power to prevent the vending of intoxicating liquors in said village, not duly authorized; to regulate the measuring of fire wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering of the streets, sidewalks, alleys or public grounds or square, and to regulate all grave yards and burial of the dead for said village.

To prevent selling liquor, &c.

To designate stand for sale of produce, &c., and make other regulations.

Sec. 15. The common council shall have authority to lay out and establish; open, make and alter such streets, lanes and alleys, sidewalks, highways, water courses and bridges, within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her or their agent or representative, by personal service, or by written notice, posted in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a venire facias, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into the necessity of using such grounds, and the just compensation to be made therefor to the owner or owners of, or parties interested in, such grounds or premises; which jury, being first duly sworn by said justice faithfully and impartially to inquire into the necessity of using such grounds, and the just compensation to be made therefor, having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such grounds or premises, for their respective losses, according to the several interests and estate therein; and the said justice shall, upon the return of

To lay out and alter streets, &c.

Proceedings in case private property is required to be taken.

When jury to be summoned.

Oath of jurors.

Justice to render judgment. such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, highway or bridge shall be made, opened, established or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from the said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of such jury and the judgment of said justice, as aforesaid; and upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Costs of appeal, by whom paid. Sec. 16. Any justice of the peace of the township of Hastings is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided always*, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury.

Jury may be demanded. Sec. 17. The marshal, recorder, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct; but the residue of the common council shall not receive any pecuniary compensation for their services.

Compensation of officers.

Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them, in their corporate capacity, during the year next preceding such publication, and also the disposition thereof; previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation; the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

*Duties of common council relative to settlement of accounts, &c.*

Sec. 19. In all processes, prosecutions and other proceedings, where in the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

*Citizens not incompetent as jurors or witnesses, by reason of citizenship.*

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

*Service of process against corporation.*

Sec. 21. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed, in any one year, one-fourth of one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax; and every assessment of taxes, lawfully imposed or laid by the said common council, on any lands, tenements and here-

*Taxes to be assessed.*

ditaments, or premises whatsoever in said village, shall be and remain  
**Tax a lien on premises.** a lien on such lands and tenements and hereditaments, from the time of making such assessment or imposing such tax, until paid; and the owner or occupants or parties in interest respectively in said real estate, shall be liable, upon demand, to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof,  
**When property to be sold for tax es.** it shall be lawful for the marshal of said village to sell personal estate, and for want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least four weeks, once in each, previous to such sale; and the said marshal shall give to the said purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the sale, shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be *prima facie* evidence that the sale, and all the proceedings therein prior to such sale were regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate so sold, shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

**Effect of deed.**  
**Prima facie evidence of regularity.**  
**Duty of assessors.** Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal



in said village, it shall be their duty to give notice thereof by publishing in any newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when and place where they will meet to hear the objections of any persons interested to the valuation so made by them; and at the time so appointed, the assessors shall meet, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors at any time within ten days thereafter to the common council, who are in like manner hereby authorized, upon sufficient cause being shown as aforesaid, to reduce said valuation.

Notice of completion of assessment.

When assessors may reduce valuation.

When common council may reduce valuation.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

Duty of common council relative to taxes.

Marshal to collect taxes.

Sec. 24. All moneys to be raised by tax in said village shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the common council.

Marshal to pay over money to treasurer.

Sec. 25. The common council shall have power to appoint one or more street commissioners or other officers to superintend and direct the making, paving, repairing and opening all streets, lanes, alleys, sidewalks, highways or bridges within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such sidewalks to be assessed on lots or premises adjoining such improvements, or by general assessment, or otherwise, as they may direct.

Street commissioner may be appointed. Further power of common council.

Sec. 26. The common council shall have authority to establish and

**Organization and regulations of fire companies.** organize all such fire companies and hose and hook and ladder companies, and provide them with engines and other instruments as shall be necessary to extinguish fire, and preserve the property of the inhabitants of said village from conflagration; to appoint from among the inhabitants of said village such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty, in the management of one engine; and each fire, hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries and working a poll tax on the streets and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire engines, hose, ladders and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purposes of working or examining said engine and other instruments, with a view to their perfect order and repair.

**Fines for neglect of duty.**

**Exemptions of members of fire companies.**

**Meetings of fire companies.**

**Duty of marshal in case of fire.**

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing said fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Sec. 28. This act shall be deemed a public act.

Sec. 29. This act shall take effect in thirty days.

Approved February 13, 1855.

[ No. 161. ]

AN AOT to incorporate the Village of Three Rivers.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situate in the township of Lockport, in the county of St. Joseph, and State of Michigan, which is bounded and included as follows: commencing at the mouth of the Portage River, and from thence up said river to the section line south of Bowman & Hoffman's mill; thence west along said section line to the Rocky River, and thence down said river to its entrance into the St. Joseph River, and thence up said river to the place of beginning, be and the same is hereby constituted a town corporate, by the name of the village of Three Rivers.

*Boundaries of the village of Three Rivers.*

Sec. 2. The male inhabitants of said village having the qualifications of electors under the constitution, shall meet at the school house in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed, by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder and one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

*Annual election; when and where to be held.*

*Officers to be elected.*

*Elections in certain cases, when held.*

Sec. 3. At the first election to be holden in said village, under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, and certify the result in the same manner that the common council are required to do by this act; and all subsequent elections shall be held in said village, and superintended by the president, recorder, and one or more of the trustees; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and

*First election; how conducted.*

*Subsequent elections.*

Poll list to  
be kept.

When cer-  
tain ballots  
to be des-  
troyed.

Canvass.

To count  
votes and  
certify re-  
sult.

Common  
council to  
canvass re-  
turns, &c.

In case of a  
tie, election  
to be deter-  
min'd by lot.

Notice of  
election to  
be given.

Notice to  
persons  
elected.

Oath of of-  
ficers.

shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the officer or officers holding the same; and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election; at which last mentioned period the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes for the same office, the common council shall make as many strips of paper of equal size as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together in a hat, and one of the members of said common council shall then draw from said hat one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

Sec. 4. It shall be the duty of the recorder of said village to give five days public notice in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing the polls of any election, to notify the officers respectively of their election; and the said officers, so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation, before any justice of the peace or notary public for said county of St. Joseph, to support the constitution of the United States, and of this State, and faithfully and impartially to

execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of the proceedings.

Sec. 6. The president, recorder, and trustees of said village, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Three Rivers, and by that name they and their successors shall be known in law, and shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of record and any other place whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and by that same name shall be and are hereby made capable of purchasing and holding, conveying or disposing of any real or personal estate for the use of said corporation.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the common council of the village of Three Rivers, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time;) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Sec. 9. In case of the death, resignation or removal of the president, recorder, or any of the trustees or other officers elected by the electors of said village, such death, resignation or removal shall be announced

Duties of president & recorder.

Body corporate, name & powers, &c.

May have seal, hold property, &c.

To be subject to laws relating to township government, except in certain cases.

Who to constitute common council.

Quorum.

Appointment of meetings of council.

Fines for non-attendance.

When common council to order election.

by the president or recorder to the members of the common council, who shall convene as soon as may be, and order by a public notice, to be posted up in three public places in said village, that an election will be held by the electors of said village, to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as is hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty days and not less than five days after such vacancy shall have occurred.

Common council may remove certain officers and fill vacancies.

Sec. 10. The common council shall have power to remove at pleasure, any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur by death, resignation, removal, or any other cause; and all officers so appointed, shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Treasurer & marshal to give security

Sec. 11. The treasurer and marshal shall, respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them, as the common council shall direct and require.

General powers of common council. To appoint officers. Make by-laws relative to fees, &c

Sec. 12. The common council shall have full power and authority to appoint a marshal, and all other officers necessary, under the provisions of this act, for said village, whose elections are not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to construct sewers and reservoirs; to license all showmen; to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such number of fire-buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; relative to calling of meetings of the electors of said village, relative to the keeping and sale of gunpowder in said village; relative to the restrain-

Assess taxes.

Prevent nuisances.

Grant licenses, &c. From various powers.

ing of swine, horses, and other animals, from running at large in the streets, lanes and alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to suppress billiard tables, and all other gaming tables kept for hire, gain or reward, in said village; and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for the preventing and suppressing all disorderly and bad houses: *Provided, always,* Such by-laws shall not be repugnant to the constitution and laws of the United States, or of the State of Michigan: *And provided also,* That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of St. Joseph, or by written notices posted up in three of the most public places in said village.

By-laws not to take effect till published.

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for the suppression of riots, and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all such by-laws and ordinances as to them shall seem necessary, for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

Common council to make by-laws and regulations and punish offenders.

Sec. 14. The common council shall have full power to prevent the vending of intoxicating liquors in said village; to regulate the measuring of fire-wood, and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay and produce exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent encumbering of the streets, sidewalks, alleys or public grounds or squares, and to regulate all grave yards and burial of the dead for said village.

To prevent selling & quare.

To designate stand for sale of produce, & make other regulations.

Sec. 15. The common council shall have authority to lay out and establish, open, make and alter, such streets, lanes and alleys, sidewalks, highways, water courses and bridges within the limits of said village, as they may deem necessary for the public convenience; and if, in do-

To lay out and alter streets, &c.

Proceedings in case private property is required to be taken.

ing thereof, they shall require for such purposes the grounds of any person, they shall give notice thereof to the owner or parties interested, or his, her, or their agent or representative, by personal service, or by

When parties cannot agree jury to be summoned.

written notice posted in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council, for the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct the recorder of said village to issue a venire facias, to command the marshal of said village, or constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into and assess the damages, and recompense the owner or owners of, or parties interested in, such grounds or premises;

Oath of jurors.

which jury, being first duly sworn by said justice faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in, such ground or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be

Justice to render judgment.

Damages to be tendered.

paid or legally tendered, before such street, lane or alley, sidewalk, highway or bridge, shall be made, opened, established or altered, to the claimant or claimants thereof; but if such jury shall find that the claimant or claimants is or are not entitled to any damages, then it shall be competent for said justice to render judgment against such claimant or claimants (as the case may be) for costs, and to issue execution therefor; and in either case it shall thereupon be lawful for

When claimant to pay costs.

Claimant may appeal, on giving notice, &c.

the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her or their intention so to do,



to said justice in writing, within ten days, or in case of the absence of said party from the said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of such jury, and the judgment of said justice as aforesaid; and upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal. Costs of appeal, by whom paid.

Sec. 16. Any justice of the peace of the township of Lockport is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established, by the said common council, in pursuance of the powers granted to them in this act, and to punish the offender or offenders, as by the said by-laws, ordinances or regulations, shall be prescribed or directed: *Provided, always*, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury. Justice of township to exercise jurisdiction. Jury may be demanded.

Sec. 17. The marshal, recorder, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct, but the residue of the common council shall not receive any pecuniary compensation for their services. Compensation of officers.

Sec. 18. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof; previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against the said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures; which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for Duty of common council relative to settlement of accounts, &c.

which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

No person  
to be incompetent  
as  
witness or  
juror by  
reason of  
citizenship.

Sec. 19. In all processes, prosecutions, and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

Service of  
process  
against corporation.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

Taxes to be  
assessed.

Sec. 21. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed in any one year, one-fourth of one per centum upon the valuation of said real and personal property, and exclusive of the capitation or poll tax; and every assessment of taxes lawfully imposed or laid by the said common council, on any lands, tenements and hereditaments, or premises whatsoever in said village, shall be and remain a lien on such lands and tenements and hereditaments, from the time of making such assessments or imposing such tax until paid; and the owner or occupants or parties in interest respectively in said real estate, shall be liable upon demand, to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold

Tax a lien  
on premises.

When property  
to be  
sold for  
taxes.

by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least four weeks, once in each week, previous to such sale; and the said marshal shall give to the said purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the sale shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of twenty per cent. per annum from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be prima facie evidence that the sale and all the proceedings therein, prior to such sale, were regular, according to the provisions of this act; and every such conveyance executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate so sold, shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

*Notice of sale.*

*Certificate to be given purchaser.*

*If premises not redeemed deed to be executed.*

*Effect of deed.*

*Prima facie evidence of regularity.*

Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left, for the inspection of all persons interested, and of the time when, and the place where, they will meet to hear the objections of any persons interested to the valuation so made by them; and at the time so appointed the assessors shall meet, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final

*Duty of assessors. Notice of completion of assessment.*

*When assessors may reduce valuation.*

decision of said assessors, they shall have the right of appealing from such decision of the assessors, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

When common council may reduce valuation.

Duty of common council relative to taxes.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village; which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

Marshal to collect tax's.

Marshal to pay over money to treasurer.

Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the common council.

Street commissioners may be appointed. Further powers of common council.

Sec. 25. The common council shall have power to appoint one or more street commissioners, or other officers, to superintend and direct the making, paving, repairing and opening all streets, lanes, alleys, sidewalks, highways or bridges, within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such streets or making such sidewalks to be assessed on lots or premises adjoining such improvements, or by general assessments or otherwise, as they may direct.

Organization & regulat'n of fire companies.

Sec. 26. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good

government of said companies, subject to the approval of the common council; and they may impose such fines for the non-attendance or neglect of duty of any of its members, as may be established by such <sup>Fines for neglect of duty.</sup> by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of such village, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such shall be exempt from serving on juries and working a poll tax on the streets <sup>Exemption of members of fire companies.</sup> and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire-engines, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, or as often <sup>Meetings of fire companies.</sup> as may be directed by said common council, for the purposes of working or examining said engine and other instruments, with a view to the perfect order and repair.

Sec. 27. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and <sup>Duty of marshal in case of fire.</sup> assist, as well in extinguishing said fire, as in preventing any goods from being stolen, and also, in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire.

Sec. 28. This act shall be deemed a public act.

Sec. 29. This act shall take effect immediately.

Approved February 13, 1855.

[ No. 162. ]

AN ACT to protect the rights and liberties of the inhabitants of this State.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Duty of prosecuting attorney.</sup> it shall be the duty of the prosecuting attorneys within their respective counties, whenever any inhabitant of this State is arrested or claimed as a fugitive slave, on being informed thereof, diligently and faithfully to use all lawful means to protect and defend every such person so arrested or claimed as a fugitive slave.

Sec. 2. All persons so arrested and claimed as fugitive slaves, shall <sup>Habeas corpus and trial by jury.</sup> be entitled to all the benefits of the writ of habeas corpus and of trial by jury.

Appeal allowed.

Sec. 3. If such writ of habeas corpus shall be sued out in vacation, and if, upon the hearing of the same, the person imprisoned, arrested, or claimed as a fugitive slave, shall not be discharged, such person shall be entitled to an appeal to the circuit court for the county in which such hearing shall have been had, on furnishing such bail, and within such time as the officer granting the writ or hearing the case shall judge reasonable and proper.

Court to direct trial by jury.

Sec. 4. The court to which such appeal is taken, and any court to which a writ of habeas corpus in behalf of any such person claimed or arrested as a fugitive slave is made returnable, may and shall, on application of either party to such proceedings, allow and direct a trial by jury on all questions of fact in issue between the parties in the matter aforesaid; and the taxable costs of such trial shall be chargeable to the State, whenever the same would be otherwise chargeable to the person arrested or claimed as a fugitive slave.

Costs, how charged.

Not to be imprisoned in jail, &c.

Sec. 5. No person arrested and claimed as a fugitive slave shall be imprisoned in any jail or other prison in this State; and any person having the care or control of any jail or prison, and knowingly permitting the imprisonment of such alleged fugitive slave therein, shall be subjected to the payment of a fine of not less than five hundred nor more than one thousand dollars.

Falsely charging person with being fugitive, &c., how punished.

Sec. 6. Every person who shall falsely declare, represent or pretend, that any free person entitled to freedom is a slave, or owes service or labor to any person or persons, with intent to procure, or aid or assist in procuring the forcible removal of such free person from this State as a slave, shall be imprisoned not less than three nor more than five years in the State Prison.

Seizing free person with intent, &c., how punished.

Sec. 7. Every person who shall wrongfully and maliciously seize, or procure to be seized, any free person entitled to freedom, with intent to have such person held in slavery, shall pay a fine of not less than five hundred nor more than one thousand dollars, and be imprisoned five years in the State Prison.

Two witnesses required in certain cases.

Sec. 8. In all cases arising under the provisions of sections six and seven of this act, the truth of any declaration, representation or pretense, that any person being or having been in this State, is or was a slave, or owes or did owe service or labor to any other person or persons, shall not be deemed proved except by the testimony of at least two credible

witnesses, testifying to facts directly tending to establish the truth of such declaration, pretense, or representation, or by legal evidence equivalent thereto.

Sec. 9. No declaration, pretense, or representation, that any person is or was an apprentice for a fixed term of years, or owes or did owe service merely as such apprentice for such fixed term, shall be deemed prohibited by this act; and no such declaration, pretense, or representation, that any person is or was such an apprentice for such fixed term, or owes or did owe service merely as such an apprentice for such fixed term, shall be liable to any penalty under this act.

Claim of person as apprentice, &c., not within this act.

Sec. 10. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Acts repealed.

Approved February 13, 1855.

[ No. 163. ]

AN ACT to prohibit the use of the common jails and other public buildings in the several counties for the detention of persons claimed as fugitive slaves.

SECTION 1. *The People of the State of Michigan enact, That* section one of chapter one hundred and forty-eight, title twenty-eight of the revised statutes of one thousand eight hundred and forty-six, be amended so as to read as follows:

Sec. 1 chap. 148 R. S. amended.

"Sec. 1. It shall be the duty of the sheriffs of the several counties of this State to receive into their respective jails and keep all prisoners who shall be committed to the same, by virtue of any civil process issued by any court of record instituted under the authority of the United States, until they shall be discharged by the due course of the laws of the United States, in the same manner as if such prisoner had been committed by virtue of process in civil actions issued under the authority of this State; and every such sheriff may receive to his own use such sums of money as shall be payable by the United States for the use of the said jails: *Provided, That* nothing in this or the next succeeding section contained shall be construed to authorize or require any sheriff or other officer to receive into or detain, or permit any person to receive into or detain in any of said jails or other public buildings, any person claimed as a fugitive slave: *And provided fur-*

Duty of sheriff to take & keep prisoners, &c.

Not to receive person claimed as fugitive slave.

Prohibited  
from reco-  
vering fugi-  
tive.

Penalty for  
disobedi-  
ence.

Sec. 1 chap.  
171 of R. S.  
amended.

How jails  
shall be  
used, &c.

Proviso.

*ther*, That every sheriff or other officer or keeper of a prison is here-  
by peremptorily prohibited from receiving or detaining or permitting  
to be received or detained in any such jails or other public buildings any  
such fugitive slave as aforesaid; every sheriff or other officer or keeper  
of a prison who shall offend against the last preceding provision of  
this section shall be liable to an indictment for a misdemeanor, and up-  
on conviction thereof shall pay a fine of one thousand dollars, and be  
imprisoned in the county jail one year."

Sec. 2. Section one of chapter one hundred and seventy-one, title  
thirty-two of the revised statutes of one thousand eight hundred and  
forty six, be amended so as to read as follows:

"Sec. 1. The common jails in the several counties in the charge of  
the respective sheriffs, shall be used as prisons:

1. For the detention of persons charged with offences, and duly  
committed for trial;

2. For the detention of persons who may be duly committed, to se-  
cure their attendance as witnesses on the trial of any criminal  
cause;

3. For the confinement of persons committed pursuant to a sentence  
upon conviction for an offence, and of all other persons duly commit-  
ted for any cause authorized by law; and the provisions of this sec-  
tion shall extend to persons detained or committed by the authority of  
the courts of the United States, as well as the courts and magistrates of  
this State: *Provided*, That nothing in this section contained shall be  
construed to require any such sheriff to receive or detain in any such  
jail any person claimed as a fugitive slave."

Sec. 3. This act shall take effect immediately.

Approved February 13, 1855.

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[ No. 164. ]

AN ACT to amend section fifty-seven of chapter ninety of the revised  
statutes of 1846.

SECTION 1. *The People of the State of Michigan enact*, That  
section fifty-seven of chapter ninety of the revised statutes of eighteen  
hundred and forty-six is hereby amended so as to read as follows:



"Sec. 57. Either party to a cause in chancery shall have the right to an examination of all the witnesses in the case, in open court, as in a suit at law, if within ten days after the cause is at issue be given [he give] notice in writing to the opposite party of his intention to claim such right; in which case no commissioner [commission] shall be issued in the cause, nor examination of witnesses had before a master or commissioner, but the cause shall be heard in its course on the calendar, by examination of the witnesses in open court, unless the court, on cause shown, shall otherwise direct; and in case any cause in chancery shall be so tried in open court, either party shall be entitled to make and settle a case, setting forth the evidence at large before the judge who tried the same, at such time and in such manner as said judge shall direct, or as shall be prescribed by the rules of said court; and upon the making and filing of such case within three months after such trial, the same shall be taken and deemed to be the evidence in said cause to the same extent and with the like effect as if the said testimony had been taken before a circuit court commissioner, and certified by him."

Witnesses may be examined in open court, on notice given, &c.

Party may make and settle a case, &c.

This act shall take effect immediately.

Approved February 13, 1855.

[ No. 165. ]

AN ACT to authorize Isaac Turner to purchase the south half of lot number two, section twenty-five, town seven north, of range twelve west.

SECTION 1. *The People of the State of Michigan enact, That* Isaac Turner be and he is hereby authorized to purchase the south half of lot number two, of section twenty-five, town seven north, of range twelve west, at the rate of sixteen dollars per acre, upon the same terms with respect to the time of payment as is now provided by law for the purchase of State building lands: *Provided, That* the first payment for the same be made on or before the first day of July, one thousand eight hundred and fifty-five.

Sec. 2. The Commissioner of the State Land Office is hereby authorized to issue a certificate of purchase in pursuance of the foregoing section, for the land therein described, with a condition therein expressed, that there shall be no recourse to the State of Michigan for

Isaac Turner authorized to purchase certain land.  
Commissioner of Land Office to issue certificate.

expenses or damages, nor for re-payment of the purchase money in case of the failure of the title of the State to said land.

Sec. 3. This act shall take effect immediately.

Approved February 13, 1855.

[ No. 166. ]

AN ACT for the relief of purchasers of, and settlers on, swamp lands.

Certain persons may purchase, &c.

Condition.

Right of pre-emption.

Proviso.

SECTION 1. *The People of the State of Michigan enact, That* in all cases where lands have been purchased as government lands at any of the United States Land Offices within the State of Michigan, and such purchase has afterwards been set aside and canceled, in consequence of the lands so purchased having been found to be swamp lands, the purchaser, his heirs, or assigns, may at any time before such lands are offered for sale by the State, or before said lands are sold to any other person, on presentation of a certificate of such purchase and cancellation from the register of the land office where such purchase was originally made, to the Commissioner of the State Land Office, be entitled to purchase such lands of the State, at the price of one dollar and twenty-five cents per acre, subject to the condition that such purchaser or purchasers shall not have any claim against the State for draining such land; and such land purchased of the United States shall not be offered for sale by the State until the expiration of two years from the passage of this act; and all persons who have in good faith at any time since the 28th of September, 1850, settled upon and made valuable improvements on any of the swamp lands, with the intention of securing the same under the pre-emption laws of the United States, and shall file with the Commissioner of the State Land Office sufficient evidence of said settlement or improvement, and intention, prior to their being offered for sale, such person, his heirs or assigns, shall also be entitled to purchase such land at one dollar and twenty-five cents per acre: *Provided, That* nothing in this act shall be construed to affect the legal rights of any suit or claims now pending, either in law or equity.

Sec. 2. This act shall take effect immediately.

Approved February 13, 1855.

[ No. 187. ]

AN ACT to amend an act entitled "an act to incorporate the Genesee and Oakland Railroad Company.

SECTION 1. *The People of the State of Michigan enact*, That the Genesee and Oakland Railroad Company be and are hereby authorized to extend its road, with one or more tracks, to some point to be selected in Saginaw county. May extend road.

Sec. 2. The said company shall have power to loan money and issue their bonds for the same, by mortgage or otherwise; which money shall be appropriated to the construction, equipment or maintenance of its road and business, and which bonds may be sold at such discount as said company shall direct. May loan money on bonds or mortgage.

Sec. 3. The said company may increase its capital stock from time to time, to a sum not exceeding the cost of its road and appurtenances, to be divided into shares of one hundred dollars each. May increase capital stock, &c.

Sec. 4. It shall be competent for said company to consolidate the stock thereof, and its road and appurtenances, with that of any other railroad company whose business shall connect with that of said company, upon such terms as may be agreed upon by the respective companies, which consolidation shall be made in the manner and upon the same terms and conditions, and shall have the same force and effect and subject to the restrictions and limitations provided in section 50 of an act entitled an act to provide for the incorporation of railroad companies. May consolidate, &c., under provisions of sec. 50 of act No. 82 of 1855.

Sec. 5. The said company shall pay to the Treasurer of this State, on or before the first day of December in each and every year, an annual tax of one per cent. upon the capital stock of the company which is actually paid in; and in consideration thereof the property and effects of said company shall be exempt from all and every tax, charge and exaction by virtue of any law of this State, except for fines and penalties. To pay tax, &c.

This act shall take effect immediately.

Approved February 13, 1855.

[ No. 168. ]

## AN ACT relative to the rights of Married Women.

**Property of married women not liable for husbands debts.** **Sec. 1.** *The People of the State of Michigan enact, That* the real and personal estate of every female acquired before marriage, and all property, real and personal, to which she may afterwards become entitled, by gift, grant, inheritance, devise, or in any other manner, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations and engagements of her husband, and may be contracted, sold, transferred, mortgaged, conveyed, devised or bequeathed by her, in the same manner and with the like effect as if she were unmarried.

**She may contract, sell, &c., as if unmarried.**

**Trustee may convey to her.**

**Sec. 2.** Any person who may hold, or who may hereafter hold, as trustee for any married woman, any real or personal estate or other property, under any deed of conveyance or otherwise, may convey to such married woman, by deed or otherwise, all or any portion of such property, or the rents, issues and profits thereof, for her sole and separate use and benefit.

**Actions by and against.**

**Sec. 3.** Actions may be brought by and against a married woman, in relation to her sole property, in the same manner as if she were unmarried.

**Husband not liable, &c.**

**Sec. 4.** The husband of any married woman shall not be liable to be sued upon any contract made by such married woman, in relation to her sole property.

**Ante-nuptial contracts, binding.**

**Sec. 5.** All contracts made between persons in contemplation of marriage, shall remain in full force after marriage takes place,

**Sec. 6.** This act shall take effect immediately.

Approved February 13, 1855.

[ No. 169. ]

## AN ACT to amend an act entitled "an act to incorporate the city of Detroit Gas Light Company."

**Sec. 3 of act No. 82 of 1849 amended.**

**SECTION 1.** *The People of the State of Michigan enact, That* section three of an act entitled "an act to incorporate the city of Detroit Gas Light Company," approved March the fourteenth, one thousand eight hundred and forty-nine, be and the same is hereby amended so as to read as follows:

"Sec. 3. The capital stock of said company shall not exceed five hundred thousand dollars, which with the property, affairs and concerns of the said corporation, shall be managed and conducted by a board of officers, to consist of a president, secretary, treasurer, and four other directors, all of whom shall be stockholders, except the secretary."

Capital  
stock.

Board of  
officers.

Sec. 2. That said company shall annually, in the first week in January, make an accurate report in writing to the common council of Detroit, showing the amount of capital stock actually paid; the amount issued; all real or personal estate held or owned by said company, and the cost of the same; a statement of the extent of pipe laid down; the number of street lamps erected; which report and statement shall be verified by the oath of the secretary, and one of the directors of said company.

To make an-  
nual report  
to common  
council of  
Detroit.

Sec. 3. The said company shall not increase the present price charged for gas, without the consent of the common council of said city.

Price of gas,  
&c.

Sec. 4. Said company shall be entitled to all the benefits and subject to the provisions of this act, on filing in the office of the Secretary of State a written acceptance of this act, signed by its president and secretary, and sealed with its corporate seal.

To file ac-  
ceptance.

Sec. 5. This act shall take effect immediately.

Approved February 13, 1855.

[ No. 170. ]

### AN ACT to re-organize the county of Emmet.

SECTION 1. *The People of the State of Michigan enact, That* all that part of the State of Michigan which was organized into the county of Emmet, by an act entitled "an act to organize the county of Emmet," approved January twenty-ninth, eighteen hundred and fifty-three, except the islands known as the Beaver group, and the north and south Fox islands, and territory west of the same, be and the same hereby is re-organized into the county of Emmet, and the inhabitants therein shall be entitled to all the rights, privileges and immunities to which by law the inhabitants of other organized counties in this State are entitled.

Emmet Co.  
re-organ-  
ized.

Beaver  
Islands, &c.,  
excluded.

Sec. 2. There shall be elected, on the first Tuesday in June next, all the several county officers to which by law the said county is entitled,

Election of  
county off-  
icers.

**Canvass.** and the said election and the canvass shall in all respects be conducted in the manner prescribed by law for holding elections and canvasses for county and State officers; and the canvass shall be held at the village of Little Traverse, in said county, on the Tuesday next succeeding said election, and said county officers shall immediately be qualified and enter upon their respective offices, and their respective terms of office shall expire at the same time they would have expired had they been elected at the last general election.

**Term, when to expire.**

**Jurisdiction on Lake Michigan.** Sec. 3. The county of Emmet shall have concurrent jurisdiction upon Lake Michigan, the Straits of Mackinac, Grand Traverse Bay, and Little Traverse Bay, with the county of Mackinac and other adjacent organized counties, or that may hereafter be organized.

**Little Traverse township organized.** Sec. 4. All that part of the said county of Emmet which lies south of township line between townships thirty-six and thirty-seven north, and embraced by ranges five, six and seven west, shall be organized into a separate township by the name of Little Traverse, and the first township meeting therein shall be held at the Indian school house in the village of Little Traverse, in said township, on the first Tuesday in May next.

**La Croix township organized.** Sec. 5. All that part of the said county of Emmet which lies north of township line between townships thirty-six and thirty-seven north, and west of range line between ranges four and five west, shall be organized into a township by the name of La Croix, and the first township meeting therein shall be held in the village of La Croix, at the Indian school house, on the first Tuesday in May next.

**Old Fort Mackinac township organized.** Sec. 6. All that part of said county of Emmet which lies north of township line between thirty-six and thirty-seven north, and embraced by range four west, shall be organized into a separate township, by the name of Old Fort Mackinac, and the first township meeting therein shall be held at the residence of Francis Lalond, on the first Tuesday in May next.

**Bear Creek township organized.** Sec. 7. All that part of the said county of Emmet embraced by township thirty-four north, of ranges four, five and six west, shall be organized into a township by the name of Bear Creek, and the first township meeting therein shall be held on the first Tuesday in May next, at the house of Andrew Porter, in said township.

Sec. 8. All that part of said county of Emmet embraced by town-

ship thirty-four north, of range eight west, and the several townships embraced by townships thirty-three north, of ranges four, five, six, seven, eight and nine west, be organized into a township by the name of Charlevoix, and the first township meeting therein shall be held on the last Tuesday in May next, at the house of John S. Dixon, in said township.

Sec. 9. The county seat of said county of Emmet shall be fixed by the board of supervisors of said county.

Sec. 10. All previous acts of the State of Michigan contravening any of the provisions of this act are hereby repealed.

Sec. 11. It is hereby provided that until such county officers are elected and qualified, the proper county officers of the county of Cheboygan shall perform all the duties appertaining to the said county of Emmet, in the same manner as though this act had not passed.

Sec. 12. The register of deeds of the county of Emmet shall, on the request and at the expense of the persons interested, copy from the records in the office of the register of deeds of Mackinac county, all records of deeds and instruments in writing conveying or in anywise limiting or affecting the title to any real estate in the county of Emmet, as hereby re-organized, and copies so made shall be deemed and taken to be the original records for all purposes whatsoever.

Sec. 13. The board of canvassers of said county under this act, shall consist of the presiding inspectors of election from each township therein, who shall organize by appointing one of their number chairman, and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and State officers.

Sec. 14. This act shall take effect immediately.

Approved February 13, 1855.

[ No. 171. ]

AN ACT to organize the counties of Manistee, Mason and Oceana.

SECTION 1. *The People of the State of Michigan enact, That* the county of Manistee shall be organized, and shall comprise townships twenty-one, twenty-two, twenty-three and twenty-four north, of each of

the ranges numbered thirteen, fourteen, fifteen and sixteen west, and fractional townships twenty-one and twenty-two north, of range seventeen west; and the unorganized county of Wexford is hereby attached to said county of Manistee for judicial purposes.

**Mason  
county or-  
ganised.**

Sec. 2. The county of Mason shall be organized, and shall comprise townships seventeen, eighteen, nineteen and twenty north, of each of the ranges numbered fifteen, sixteen, seventeen and eighteen west; and the unorganized counties of Lake and Osceola are hereby attached to said county of Mason for judicial purposes.

**Oceana  
county  
organised.**

Sec. 3. The county of Oceana shall be organized, and shall comprise townships thirteen, fourteen, fifteen and sixteen north, of each of the ranges numbered fifteen, sixteen, seventeen and eighteen west, and the fractional townships numbered thirteen, fourteen and fifteen north, of range nineteen west.

**Township  
of Manistee  
organised.**

Sec. 4. Three townships are hereby erected in the county of Manistee, to be called Manistee, Brown and Stronack; the township of Manistee shall comprise townships twenty-two, twenty-three and twenty-four north, of range sixteen west, and sections one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, of townships twenty-one north, of range sixteen west, and sections one, two, eleven and twelve, of townships twenty-one north, of range seventeen west, and sections twenty-four, twenty-five and twenty-six, of town twenty-two north, of range seventeen west; and the first township meeting therein, shall be held at the house of Samuel Potter.

**Stronack  
township.**

Sec. 5. The said town of Stronack shall comprise townships twenty-one north, of ranges thirteen, fourteen and fifteen west, and the remaining portion of township twenty-one north, of ranges sixteen and seventeen west; and the first township meeting therein shall be held at the house of James Stronack; and the township of Brown shall comprise the remaining portion of said county, and the first township meeting therein shall be held at the house of Henry L. Brown.

**Brown  
township.**

**Mason  
county.  
Free Soil  
township.**

Sec. 6. Three townships are hereby erected in the county of Mason, to be called Freesoil, Little Sauble, and Pere Marquette; the township of Freesoil shall comprise all of the said county of Mason lying north of the division line between townships nineteen and twenty north, and the first township meeting therein shall be held at the house of Mr. Freeman, at the Freesoil mill, so called; the township of Little Sauble



shall comprise so much of the territory of said county of Mason as lies south of said township of Freesoil, and north of the division line between townships eighteen and nineteen north, and also sections five, six, seven and eight, of township eighteen north, of range seventeen west, and sections one, two, three, four, nine, ten, eleven and twelve, of township eighteen north, of range eighteen west, and the first township meeting therein shall be held at the house of Charles Mears; the township of Pere Marquette shall comprise the remaining portion of the territory of said county of Mason, and the first township meeting there- in shall be held at the house of Burr Caswell.

Sec. 7. Three townships are hereby erected in the county of Oceana, to be called Pentwater, Stony Creek, and Clay Banks; the township of Pentwater shall comprise all of said county of Oceana lying north of the division line between townships fifteen and sixteen north, and the first township meeting therein shall be held at the house of Edwin R. Cobb; the township of Stony Creek shall comprise so much of the territory of said county as lies south of said township of Pentwater and north of the division line between townships thirteen and fourteen north, and also sections one, two, three, four, five and six, of township thirteen north, of range eighteen west, and the first township meeting therein shall be held at the house of Mr. Wheeler, at the Stony Creek mills, so called; the township of Clay Banks shall comprise the remaining portion of the territory of said county of Oceana, and the first township meeting therein shall be held at the house of John Barr.

Sec. 8. The board of supervisors in each of the aforesaid counties shall have power to locate the county seats of their respective counties.

Sec. 9. An election for township and county officers in each of the foregoing counties, shall be held at the time prescribed by statute for the annual election of township officers in the various towns in the State.

Sec. 10. The inspectors of election in the townships of Manistee, Little Sauble and Stony Creek, shall, for the purpose of such election, constitute the board of county canvassers for their respective counties, and shall meet to canvass the votes given at such election for county officers, on the first Tuesday succeeding such election; and the inspectors of election in the several towns in each of the aforesaid counties,

shall make return of the votes given at such election in their respective townships for county officers, to the respective boards of county canvassers hereby constituted, on or before the first Tuesday succeeding such election, in the manner prescribed by law.

Bodies corporate.

Oath, &c., of officers.

Repeal.

Sec. 11. The several counties hereby organized shall be bodies corporate and politic, and shall possess all the powers and be subject to all the liabilities usual in counties in this State: *Provided*, The several county officers elected at the election herein provided for, shall take the oath of office, and file bonds where any are required, and enter upon the duties of their respective offices on or before the first day of June, next. All acts or parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 12. This act shall take effect immediately.

Approved February 13, 1855.

[ No. 172. ]

AN ACT to change the name of the Lake Superior Mining Company of Eagle River.

SECTION 1. *The People of the State of Michigan enact*, That the name of the "Lake Superior Mining Company of Eagle River," is hereby changed to "Lake Superior Mining Company of Ontonagon."

Approved February 13, 1855.

[ No. 173. ]

AN ACT to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled "of courts held by justices of the peace."

SECTION 1. *The People of the State of Michigan enact*, That chapter ninety-three of the revised statutes of the year eighteen hundred and forty-six, be and the same is hereby amended so as to read as follows:

"CHAPTER 93.

Jurisdiction of justices of the peace.

SECTION 1. *The People of the State of Michigan enact*, That every justice of the peace, elected in any township or city of this State, and duly qualified according to law, shall have original jurisdiction of all civil actions wherein the debt or damages do not ex-

ceed the sum of one hundred dollars; and concurrent jurisdiction in all civil actions upon contract, express or implied, wherein the debt or damages do not exceed three hundred dollars, except as provided in the next section, and to hear, try and determine the same according to law.

Sec. 2. No justice of the peace shall have cognizance of real actions, actions for a disturbance of a right of way or other easement, actions for libel or slander, or for malicious prosecutions, and actions against executors or administrators as such, except in the cases specially provided by law, nor where the title to real estate shall come in question, except as hereinafter mentioned. Actions of which justice has no jurisdiction.

Sec. 3. If any debtor shall appear before a justice of the peace without process, and confess in writing, signed by him in the presence of the justice, that he is indebted to another upon contract in a certain specified sum, it shall be lawful for such justice, with the consent of the creditor, to enter judgment on such confession against the debtor, for any sum not exceeding three hundred dollars. Judgment on confession.

Sec. 4. Each of said courts is hereby vested with all such powers, for the purpose of exercising jurisdiction conferred by this chapter, as are usual in courts of record, except the power of setting aside a verdict and arresting judgment thereon. General powers.

Sec. 5. Every action commenced in such courts shall be brought before some justice of the peace of the city or township, where: Where actions to be commenced.

1st. The plaintiffs or any of them reside; or

2d. Where the defendants or any of them reside; or

3d. Before some justice of another township or city, in the same county next adjoining the residence of the plaintiff or defendant, or one of the plaintiffs or defendants.

Sec. 6. But if a defendant shall have absconded from his residence, such action may be brought before any justice of the township or city in which such defendant or his property may be; and if the plaintiffs be all non-residents of the county, or if the defendant be a non-resident of the county, then such action may be brought before any justice of the township or city where such plaintiffs or defendants, or either of them, may be. Where action may be brought against absconding defendant. Where parties are non-resident.

Sec. 7. When there shall be a bond with a penalty exceeding one hundred and fifty dollars, with condition for the payment of a sum of instalments. Action on bond with instalments.

money not exceeding one hundred and fifty dollars, or for the payment of several sums of money by instalments, the aggregate of which instalments shall not exceed one hundred and fifty dollars, an action of covenant may be maintained on such condition in a justice's court; and a recovery of either of such instalments shall not bar a subsequent suit for either instalments which shall become due after the commencement of the former suit.

No court to be held in bar-room.

Sec. 8. No justice of the peace shall hold any court in any bar-room or grocery, or any other place where any intoxicating liquors shall be sold.

Jurisdiction withheld on account of relationship.

Sec. 9. No justice shall take cognizance of any cause or do any judicial act when he shall be related within the fourth degree of affinity or consanguinity to either party in any such matter, or shall have been of counsel, or shall be directly or indirectly interested in such cause or matter, unless the parties interested in such cause, or their agents or attorneys, shall, with full knowledge of such disability, expressly consent that such justice may take cognizance of such cause or do such act.

Suits, how instituted.

Sec. 10. Suits may be instituted before a justice, either by the voluntary appearance of the parties or by process; and when by process, it shall be either a summons, a warrant, an attachment, or writ of replevin; but no process shall contain the names of the defendants in more than one action.

Justice may require security for costs.

Sec. 11. Any justice of the peace may, either before or after the issuing of the process, in his discretion, require surety of the plaintiff for any costs which may be adjudged against him in any action; and the person becoming such surety shall sign an undertaking in writing to that effect, which the justice shall preserve; and in all cases, plaintiffs who are not residents of the county in which the suit is to be brought, shall give such surety before process shall issue; and if any plaintiff, after commencing an action in the county in which he resides, shall remove out of such county, the justice may require such plaintiff to give such security for all costs which have accrued and may accrue in the action.

When suit considered commenced.

Sec. 12. Suits shall be considered as commenced at the times following:

1st. Upon process by warrant, at the time of the arrest of the defendant;

2d. Upon process by attachment, writ of replevin or summons, on the day when process shall be delivered to the constable; but if two or more suits be commenced by summons or attachment, on the same day, the suit in which the process was first served shall be deemed to have been first commenced;

3d. When the suit is instituted without process, at the time when the parties shall appear before the justice and join issue.

Sec. 13. The first process except as hereinafter directed, shall be a Summons. summons directed to any constable of the county in which the justice resides, commanding him to summons the defendant to appear before the justice who issued the same, at a time and place to be named in such summons, not less than six nor more than twelve days from the date of the same, except as hereinafter provided, to answer the plaintiff in a plea in the same summons to be mentioned.

Sec. 14. A summons shall in all cases, except as hereinafter otherwise provided, be served at least six days before the time of appearance mentioned therein; and if the defendant be found, it shall be served by reading the same to such defendant, and (if required by him) delivering a copy thereof; but if the defendant shall not be found, it shall be served by leaving a copy thereof at the defendant's last place of abode, in the presence of some one of the family, of suitable age and discretion, who shall be informed of its contents. Service of summons.

Sec. 15. If it appear by the return of the constable that the summons was not personally served, and the defendant shall not appear on the return day thereof, the plaintiff may thereupon take out a new New summons & attachment in certain cases. summons against the defendant, in continuation of his suit, returnable not less than three nor more than twelve days from the date thereof, which shall be served at least two days before the time of appearance mentioned therein; and if such summons be returned that the defendant cannot be found after diligent inquiry, the plaintiff may, in further continuance of his suit, have an attachment against the defendant, in actions upon contract, on filing an affidavit as to the amount claimed to be due, and executing a bond as in other cases.

Sec. 16. If the plaintiff shall be a non-resident of the county, a Short summons. summons may be made returnable not less than two nor more than four

days from the date thereof, and shall be served at least two days before the time of appearance mentioned therein.

1b.

Sec. 17. If the defendant shall be a non-resident of the county, a summons shall be made returnable and be served, as prescribed by the preceding section.

When suit  
may be com-  
menced by  
attachment.

Sec. 18. Any plaintiff shall be entitled to an attachment against a defendant in any action founded on a judgment or on a contract, express or implied, if such plaintiff, or some person in his behalf, shall make and file with the justice an affidavit, specifying, as near as may be, the amount due to the plaintiff, and containing a further statement, either that the defendant knows, or has good reason to believe, either:

1st. That the defendant has assigned, disposed of, or concealed, or is about to assign, dispose of, or conceal, any of his property, with the intent to defraud his creditors; or,

2d. That he is about to remove any of his property from the county in which such application is made, or from the county where the defendant resides, with the like intent; or,

3d. That he fraudulently contracted the debt, or incurred the obligation, respecting which the suit was brought; or,

4th. That the defendant has absconded to the injury of his creditors, or does not reside in this State, and has not resided therein for one month immediately preceding the time of making the application.

When plain-  
tiff entitled  
to warrant.

Sec. 19. The plaintiff in actions arising out of, or founded upon contract, shall be entitled to a warrant, upon filing with the justice an affidavit made by the plaintiff, or some one in his behalf, that the plaintiff has good reason to believe,

1st. That plaintiff has a demand against the defendant for money collected by him as a public officer; or,

2d. That the plaintiff has a demand against the defendant for damages arising from the misconduct or neglect of the defendant in any professional employment or public office; or,

3d. That there was fraud or breach of trust; or that defendant does not reside in this State, and has not, for one month immediately preceding the time of making the application.

1b.

Sec. 20. In actions other than those founded on judgment or con-

tract, the plaintiff shall be entitled to a warrant, if he or some person in his behalf shall make and file with the justice an affidavit specifying the nature of the demand, and containing a statement that the defendant has good reason to believe, either,

1st. That the defendant has committed a trespass, or other wrong, to the damage of the plaintiff; or,

2d. That the defendant has incurred a penalty or forfeiture by the violation of some law of this State, which the person filing such affidavit has a right to prosecute in the name of the people of this State, or otherwise.

Sec. 21. In all cases on application for a warrant under the third subdivision of section nineteen, the person applying therefor, shall, by affidavit, show the facts and circumstances within the knowledge of the person making such affidavit, constituting the grounds of the application, whereby the justice may the better judge of the necessity and propriety of issuing such warrant.

*Affidavit to show facts and circumstances.*

Sec. 22. A warrant shall be directed to any constable of the county in which the justice issuing the same resides, and shall command such constable to take the defendant, and bring him forthwith before such justice, to answer the plaintiff in a plea to be mentioned therein, and shall require him, after he shall have arrested the defendant, to notify the plaintiff or prosecutor of the arrest.

*Contents of warrant.*

Sec. 23. A warrant shall be served by arresting the defendant and bringing him forthwith before the justice issuing the same; but if such justice, on the return thereof, shall be absent or unable to hear or try the cause, or if it shall appear by the affidavit of the defendant that such justice is a material witness in his behalf on the trial of the cause, the constable shall take the defendant before some other justice of the same township or city, if there be one therein qualified to try the same, and if not, then before some justice of an adjoining township or city, who shall take cognizance of the cause, and proceed thereon as if the warrant had been issued by him.

*Service and return of warrant.*

*When justice is absent.*

Sec. 24. When the defendant shall be brought before the justice on a warrant, the justice shall then, or within three days thereafter, unless the parties agree to allow a longer time, or there be an adjournment, proceed to hear, try and determine the cause.

*When to be tried within three days.*

Sec. 25. In all cases of attachment, the plaintiff shall, before issuing

Bond to be  
filed in cases  
of attach-  
ment

the attachment, file with the justice a bond to the defendant, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by the justice in writing thereon, signed by him, conditioned to pay the defendant all damages and costs he may sustain by reason of the issuing of the attachment, if the plaintiff shall fail to recover judgment in such suit, and if the plaintiff's demand, shall exceed one hundred dollars, the penalty of such bond shall be double the amount of such demand.

Contents of  
attachment.

Sec. 26. Every attachment shall state the amount claimed by the plaintiff, and shall command any constable of the county in which the justice resides, to attach so much of the goods and chattels of the defendant (except such as are exempt by law from execution) as will be sufficient to satisfy such demand, and safely keep the same to satisfy any judgment that may be recovered by the plaintiff in such attachment, and to return the same at a time therein to be specified, not less than six nor more than twelve days from the date thereof.

Service of  
attachment.

Sec. 27. The constable serving such attachment, shall execute the same at least six days before the return thereof, by seizing so much of the goods and chattels of the defendant within his county as shall be sufficient to satisfy the demand and costs, and making an inventory thereof, and serving a copy of such attachment and inventory upon the defendant, if he can be found within the county.

When de-  
fendant can-  
not be  
found.

Sec. 28. If the defendant cannot be found within the county, the constable shall leave a copy of the attachment and inventory certified by him, at the last place of residence of the defendant, if there be any such place within the county, and if not, then by leaving the same with any person in whose possession such goods and chattels, moneys and effects, may be found.

Goods not  
to be remo-  
ved if bond  
given.

Sec. 29. No goods or chattels attached shall be removed by the constable, if a bond be executed and delivered to him by any person, with sufficient surety to be approved by such constable, in a penalty at least double the sum stated in the attachment to have been sworn to, conditioned that such goods and chattels shall be produced to satisfy any execution that may be issued on any judgment that shall be recovered by the plaintiff upon such attachment; and thereupon the offi-



cer shall deliver the property attached to the person executing such bond.

Sec. 30. If any person other than the defendant shall claim any goods or chattels attached by a constable, he may, after such seizure, and at any time before execution shall have been issued upon the judgment obtained on such attachment, execute a bond to the plaintiff with sufficient sureties to be approved by the constable or by the justice who issued the attachment, in a penalty double the value of the property attached, conditioned that in a suit to be brought on such bond, within three months from the date thereof, such claimant will establish that he was the owner of the goods seized at the time of the seizure, and in case of his failure to do so, that he will pay such plaintiff the value of the property so attached, with interest.

Sec. 31. Upon either of the bonds aforesaid being executed and delivered to the constable, he shall deliver up the property seized by him to the obligor in such bond.

Sec. 32. If the attachment be returned personally served upon any of the defendants, the justice shall proceed therein in the same manner as upon a summons returned personally served.

Sec. 33. If the attachment shall not be personally served upon any of the defendants, and none of the defendants shall appear on the return day thereof, the justice shall continue the cause for not less than thirty, and not exceeding ninety days; and in such case, no hearing shall be had or judgment rendered thereon, until the expiration of that time, unless the defendant shall sooner appear and request a trial; in which case the justice shall appoint a day for the trial of such suit, and cause notice thereof to be given to the plaintiff.

Sec. 34. When there are several attachments against the same defendant in the hands of the same officer, they shall be executed in the same order in which they were received by the officer.

Sec. 35. Different attachments of the same property may be made, and one inventory shall be sufficient; the lien of the attachment shall be in the order in which they were served, and the subsequent attachments shall be served on the property as in the hands of the officer, and subject to the prior attachment; the justice who issued the attachment having the priority of lien, shall determine all questions as to priority of liens on the property attached.

Claimant of goods may give bond.

Property to be delivered up when bond is given.

When attachment is personally served how to proceed.

When attachment not personally served cause to be continued.

Several attachments against same defendant.

Different attachments of same property.

Animals or  
perishable  
property  
attached.

Sec. 36. When the cause is continued, as provided for in the thirty-third section, and it shall appear that any of the property taken under the attachment consists of animals or perishable property, the justice may make an order directing the officer having the custody thereof, to dispose of the same as upon execution, and the money realized therefor shall be paid over to the justice, and applied as other money realized from the sale of the property attached, is applied.

Sec. 37. The plaintiff shall not have judgment in any such action, except in some one of the following cases, to-wit:

When plain-  
tiff to have  
judgment.

1st. When the property of the defendants, or of one of them, if there are several, shall have been attached in the county where the action is brought; or,

2d. When the defendant, or one of them where there are several, shall have been personally served with process, or shall have appeared; or,

3d. When a garnishee shall have been summoned, who shall be found indebted to the defendant or defendants, or to have property or effects in his hands subject to the attachment.

If no prop-  
erty be at-  
tached, not  
to affect gar-  
nishee.

Sec. 38. The return, that no property was found on the attachment, shall not affect the proceedings against the garnishee.

If defendant  
appear be-  
fore judg-  
ment & give  
bond prop-  
erty to be  
discharged.

Sec. 39. If, at any time before judgment, the defendant shall appear and answer to the action, and shall give a bond to the plaintiff, in a penalty double the amount claimed by the plaintiff, with one or more sureties, to be approved by the justice, conditioned to pay any judgment, the plaintiff may recover against him in the action, within thirty days after the rendition thereof, the justice shall thereupon make an order discharging the property attached.

Return of  
process,  
how made.

Sec. 40. The constable serving a summons, warrant, attachment, or other process, shall return thereon in writing, signed by him, the time and manner of executing the same; and in case of a warrant, he shall in such return state the fact whether he has or has not notified the plaintiff.

Inventory.

Sec. 41. In case of an attachment, the officer shall also return a copy of the inventory of the property attached, certified by him, and any bond which may have been executed and delivered to him pursuant to the foregoing provisions.

Sec. 42. If the plaintiff or any other credible person shall make and

attach to the writ an affidavit, stating therein that the defendant has good reason to believe that any person (naming him) has property (describing it) in his possession belonging to the defendant, or that he is indebted to the defendant, the officer shall leave with such garnishee, or at his place of abode, a copy of the writ of attachment and of such affidavit, with a written notice that he appear in court on the return day mentioned in such attachment, and answer under oath all questions put to him touching his indebtedness to the defendant, and the property, money, credits and effects of the defendant in his possession and within his knowledge; and the said garnishee, from the time of the service of said notice, shall stand liable to the plaintiff in attachment, to the amount of the property, money, credits and effects in his hands or due from him to the defendant. The service of such notice shall be deemed the commencement of a suit against such garnishee; and upon the return of the constable that such notice has been duly served, the justice shall enter such suit on his docket as in other cases, the plaintiff in attachment being named as the plaintiff therein; and if such garnishee does not appear in court as required, it shall be lawful for the justice to continue the suit so commenced against him to some other day, not exceeding three months, and may in his discretion issue a warrant to bring the said garnishee before him; which warrant shall require the constable, after he shall have arrested the garnishee, to notify the plaintiff in attachment of the arrest, and shall be served and returned as other warrants issued by justices of the peace; on the appearance of the said garnishee before the justice, it shall not be necessary for the plaintiff to declare against him, but the affidavit and notice aforesaid shall be deemed sufficient declaration in the cause, and the justice shall forthwith, or on the day to which he may adjourn the same, as in other cases, (but so as not beyond the time fixed for the trial of the suit in attachment,) proceed to examine the garnishee, and all witnesses produced on either side in that behalf, touching the matters alleged in the affidavit aforesaid, and shall take minutes of all such testimony and file the same with the case, in his office; and after such examination is concluded, the suit against the garnishee shall be continued until the action against the defendant in attachment shall be determined; and the garnishee may appear for said defendant in said suit and defend the same; and if the plaintiff recover against the defendant in attach-

*Affidavit for garnishee.*

*Service of notice deemed commencement of suit against garnishee.*

*If garnishee does not appear warrant may issue.*

*Notice to plaintiff.*

*Declaration.*

*Minutes of testimony taken and suit continued.*

ment, and the said garnishee deliver to the officer executing the writ of attachment all the property and effects in his possession belonging to such defendant, and pay all moneys due from him to the said defendant at the time notice was served on said garnishee, or so much of said property and moneys as may be necessary to satisfy said judgment against said defendant, and all costs, then the costs which may have accrued against the garnishee in such suit shall be paid out of the effects in the hands of the officer. But if the garnishee will not deliver over said property, and pay such money as aforesaid, judgment shall be given against him in the suit commenced by notice as aforesaid, in favor of the plaintiff therein; which judgment shall, when the value of such property and effects, or the money due by such garnishee to the defendant in attachment is less than the amount of the judgment in attachment for damages and costs, be to the amount of such value or money, with costs of suit; but in other cases, for the whole amount of the damages and costs in attachment, together with full costs of the suit against such garnishee, and execution shall issue on such judgment as in other cases.

Costs.

Judgment  
against gar-  
nishee

Execution.

Jurisdiction  
in replevin.Replevin  
bond.Sec. 19 chap.  
124 R. S.Writ of re-  
plevin to is-  
sue

Sec. 43. Whenever any plaintiff, his agent, or attorney, shall make and file an affidavit with the justice, setting forth that his personal goods and chattels, not exceeding in value one hundred dollars, have been unlawfully taken, or are unlawfully detained by any other person, specifically describing such property, and giving the value thereof, and stating that the plaintiff is lawfully entitled to the possession of said property, that the same has not been taken for any tax, assessment, or fine, levied by any law of this State, nor seized under any execution or attachment against the goods and chattels of such plaintiff liable to execution, and claiming damages for the detention of the same, or taking the same, not exceeding one hundred dollars, in addition, and shall file with such justice a bond with sufficient surety or sureties, to be approved by the justice and payable to the defendant, in a penalty at least double the value of such as sworn to in the affidavit, and not less than one hundred dollars, with the condition prescribed in section ten, of the one hundred and twenty-fourth chapter of the statutes, the justice shall issue a writ of replevin directed to any constable of the county, commanding him to take the property described and return the same forthwith to the plaintiff, and that he summon the defendant to appear at a

time and place therein to be named before such justice, to answer the said plaintiff concerning the unlawful taking or detention of the said goods and chattels.

Sec. 44. Such writ shall be returnable not less than six nor more than twelve days from the date of the same, and shall be served not less than six days before the return thereof. Writ of replevin, when returnable.

Sec. 45. All writs of execution in actions of replevin shall be returnable in the same time as other executions issued by justices. Execution in replevin, when returnable.

Sec. 46. The damages and value of the property mentioned in the thirty-third and thirty-fourth sections of said chapter shall be ascertained by the justice, and no notice thereof shall be necessary, nor shall any exceptions be taken to the sureties of the plaintiff in the bond taken by the justice. Damages & value of property, how ascertained. No exceptions to sureties.

Sec. 47. In all cases not in this chapter specially provided for, proceedings in replevin before a justice shall be governed by the said one hundred and twenty-fourth chapter. Chap. 194 R. 8. to apply.

Sec. 48. All actions against corporations, except municipal corporations, shall be cognizable before a justice of the peace, in like manner and with the like restrictions as the same are or may be by law before a justice of the peace when brought against an individual. Actions against corporations.

Sec. 49. The first process against a corporation shall be a summons, and shall be served by leaving a copy thereof with the president, cashier or secretary, or other principal officer of such corporation, or by leaving such copy at the banking house or office of such corporation; and upon return of such service being made, such corporation shall be deemed to be in court, and the like proceedings, as near as may be, shall be thereupon had, as in cases of suits between individuals. First process against corporation, how served.

Sec. 50. Where judgment shall be rendered against a corporation, no security for stay of execution shall be entered, except at the option of the plaintiff, and execution may issue forthwith. On judgment against corporation, no stay of execution, except, &c.

### *Of the Appearance of Parties.*

Sec. 51. No process shall be issued for an infant plaintiff, nor shall any issue joined by such plaintiff without process, be heard, until a next friend for such plaintiff shall be appointed. Infant plaintiff.

Sec. 52. Whenever requested, the justice shall appoint some suitable Next friend.

person to be named by such plaintiff, who will consent thereto in writing, to act as his next friend in such suit, who shall be responsible for the costs therein.

**Infant defendant.**

Sec. 53. After the service of process against an infant defendant, the suit shall not be any further prosecuted until a guardian for such defendant be appointed; and the justice, upon the request of such defendant, shall appoint some person who will consent thereto in writing, to be guardian of the defendant, in the defence of the suit.

**Guardian.**

Sec. 54. If such defendant shall not appear on the return day of the process, or if he neglect or refuse to nominate such guardian, the justice may, on motion of the plaintiff, appoint any discreet person to be such guardian.

**Consent to be filed with justice.**

Sec. 55. The consent of every such next friend or guardian shall be filed with the justice; and the guardian for the defendant shall not be liable for any costs in the suit.

**Constable not to advocate.**

Sec. 56. Every plaintiff of full age may appear and conduct his suit or defence, either in person or by attorney; but the constable who served either the original or jury process in the cause, shall not appear and advocate for either party at the trial.

**Authority of attorney, how proved.**

Sec. 57. The authority to appear as attorney for any party may be either written or verbal; and such authority shall be proved by the attorney or other competent testimony, in all cases where requested by the opposite party, or where the opposite party shall not appear.

**Initial letters, or contraction of christian name.**

Sec. 58. In all actions on promissory notes or other instruments in writing, any of the parties to which are designated by the initial letter or letters, or contraction of the christian or first name or names, it shall be sufficient in any affidavit to arrest or obtain an attachment, and in any process or declaration, to designate such persons by the same initial letter or letters, or contraction of the christian or first name or names, instead of stating the christian or first name or names in full.

**When suits may be commenced in partnership name.**

Sec. 59. In all cases where a suit is commenced for or against a co-partnership, and the names of all the several partners are not known, such suit may be commenced in the partnership name of said plaintiffs or defendants; and the plaintiffs or defendants shall have the right, at any time before the pleadings are closed, to amend the same, by inserting the names of the parties composing such co-partnership.

Sec. 60. When the name of any defendant shall not be known to the plaintiff, he may be described in the process and proceedings by a fictitious name; and if a plea in abatement be interposed by such defendant, or his name be otherwise ascertained, the justice before whom the suit is pending, shall amend the proceedings according to the truth of the matter, and shall thereafter proceed therein, in like manner as if the defendant had been sued by his right name.

*If name of defendant is not known how described.*

*Of Pleadings and Set-offs.*

Sec. 61. At the time of the first appearance of the parties before the justice, either upon the return of process or their voluntary appearance to join issue, the pleadings of the parties shall be made, unless the justice shall allow further time upon cause shown; and when both parties have appeared, an issue shall be joined before an adjournment shall be had, except as aforesaid; and when the defendant shall have appeared upon a warrant, the pleadings shall be made within such reasonable time as the justice shall allow for that purpose.

*When pleadings to be made and issue joined.*

Sec. 62. The pleadings in a suit before a justice of the peace, may be either written or verbal, at the discretion of the party making the same, except in case of notice of title to land; when written, they shall be filed with the justice; when verbal, the justice shall enter in his docket the substance thereof; the declaration shall be sufficient on general demurrer, if conformable at the time, to the rules of pleading applicable to the circuit court; the plea of the general issue shall be in the same form as in those courts, and notice of any defence not admissible under the general issue, shall be given with such plea; no special demurrer shall be allowed; pleas in abatement must be pleaded under oath, and the execution of a written instrument, filed with the justice, shall not be denied, except under oath, as hereinafter provided.

*Pleadings, how made.*

*Demurrer.*

*General issue and notice.*

*Abatement. Execution of written instrument, how denied.*

Sec. 63. Plaintiffs, in actions founded on open accounts, shall embrace all claims then due on account, not exceeding, twenty-five dollars, or failing so to do, shall not recover cost in any subsequent suit on claims not so embraced.

*Actions of accounts.*

Sec. 64. A failure, or want of consideration in whole or in part, may be shown in defence, to any action or set-off, upon or arising out of any bond or promissory note, or other instrument in writing, except negotiable notes, negotiated before falling due, to any person not having at the time it was negotiated, knowledge of such defence.

*Failure of consideration.*

Judgment  
of court of  
special ju-  
risdiction.

Sec. 65. In pleading a judgment or decision of a court or officer of special jurisdiction, it shall be sufficient to allege generally, that judgment or decision was duly given or made.

Condition  
precedent.

Sec. 66. In pleading the performance of a condition precedent in a contract, it shall be sufficient to allege generally, that the party performed all the conditions on his part; if the allegation be denied, the facts showing the performance must be proved on the trial.

Bill of par-  
ticulars.

Sec. 67. In cases before a justice, where a bill of particulars of the demand of the party may be required in a court of record, the plaintiff may be required by the justice to file such bill of particulars of his demand; and the defendant, if required by the plaintiff, shall file a like bill of particulars, he may claim as a set-off; and the evidence on the trial shall be confined to the items set forth in said bill.

May be  
amended.

Sec. 68. Such bill may be amended at any time before the trial, to supply any deficiency or omission in the items, when, by such amendment, substantial justice will be promoted.

Costs may  
be required  
on amend-  
ment of bill.

Sec. 69. The justice may, in his discretion, require as a condition of an amendment the payment of costs to the adverse party, to be fixed by the justice; but such payment cannot be required, unless an adjournment is made necessary by the amendment.

When plain-  
tiff may dis-  
miss some  
of defend-  
ants and  
proceed  
against oth-  
ers.

Sec. 70. When in actions for tort, a summons is returned not found or served by copy, as to part of the defendants who shall not appear, the plaintiff may dismiss the cause as to such defendants, and proceed against the defendants personally served or appearing.

When set  
off allowed.

Sec. 71. In the following cases, and under the following circumstances, a defendant may set off demands which he has against the plaintiff:

1st. It must be a demand arising upon judgment or upon contract, express or implied, whether such contract be written or unwritten, sealed or without seal; and if it be founded upon a bond or other instrument having a condition, the sum equitably due by virtue of its condition only, shall be set off;

2d. It must be due to him in his own right, either as being the original creditor or payee, or as being the assignee or owner of the bond;

3d. It must be a demand for real estate sold, or for personal property sold, or for money paid or services done, or if it be not such a demand,



the amount must be liquidated, or be capable of being ascertained by calculation; When must be liquidated.

4th. It must have existed at the time of the commencement of the suit, and must then have belonged to the defendant;

5th. It can be allowed only in actions founded on demands which could themselves be the subject of set-off according to law;

6th. If there be several defendants, the demand set off must be due to all of them jointly, unless the defendants shall prove an agreement of the plaintiff or plaintiffs that the demand proposed to be set off, When several defendants, or plaintiffs. should apply as payment upon his or their claim;

7th. It must be a demand existing against the plaintiff in the action, unless the suit be brought in the name of a plaintiff who has no real interest in the contract upon which the suit is founded; in which case, Must be against the plaintiff, except nominal plff. no set off of a demand against the plaintiff shall be allowed, unless as hereinafter specified;

8th. If the action be founded upon contract (other than a negotiable promissory note or bill of exchange) which has been assigned by the plaintiff, a demand existing against such plaintiff, or any assignee of such contract, at the time of the assignment thereof, and belonging to the defendant in good faith before notice of such assignment may be set off to the amount of the plaintiff's debt, if the demand be such as might have been set off against such plaintiff or such assignee while the contract belonged to him; When act'n is on contract that has been assigned.

9th. If the action be upon a negotiable promissory note or bill of exchange which has been assigned to the plaintiff after it became due, a set off to the amount of the plaintiff's debt may be made of a demand existing against any person or persons who shall have assigned or transferred such note or bill after it became due, if the demand be such as might have been set off against the assignor while the note or bill belonged to him; When act'n is on negotiable paper which has been assigned.

10th. If the plaintiff be a trustee for any other, or if the suit be in the name of a plaintiff who has no real interest in the contract upon which the suit is founded, so much of a demand existing against those whom the plaintiff represents, or for whose benefit the action is brought, may be set off as will satisfy the plaintiff's debt, if the same might have been set off in an action brought by those beneficially interested; When suit is in name of nominal plaintiff, or trustee.

In actions  
against prin-  
cipal and  
sureties.

11th. In actions upon a note or other contract against several defendants, any one of whom is principal, and the others sureties therein, any claim upon contract in favor of the principal defendant, and against the plaintiff, or any former holder of the note or other contract, may be allowed as a set-off by the principal or any other defendant.

Notice of  
set off.

Sec. 72. To entitle a defendant to a set-off he must give notice of the same, specifying the nature of his claim, with reasonable certainty at the time of joining issue on a question of fact upon the merits of the cause.

Judgment in  
cases of set  
off.

Sec. 73. If the amount of set-off duly established, be equal to the plaintiff's debt, judgment shall be entered for the defendant, with costs; if it be less than the plaintiff's debt, the plaintiff shall have judgment for the residue only, with costs; if it be more than the plaintiff's debt, and the balance found due to the defendant from the plaintiff in the action be three hundred dollars or under, judgment shall be rendered for the defendant for the amount thereof, with costs; and execution shall be awarded as upon a judgment in a suit brought by him; but no such judgment shall be rendered against the plaintiff when the contract which is the subject of suit, shall have been assigned before the commencement of such suit, nor for any balance due from any other person than the plaintiff in the action.

Judgment in  
case balance  
of set off is  
more than  
\$300.

Sec. 74. If the balance found due to the defendant exceed three hundred dollars, the justice shall set off so much of the defendant's demand against the plaintiff's debt as shall be sufficient to satisfy it, if requested to do so by the defendant, and shall render judgment for the defendant for his costs; but if the defendant shall not require such set-off, the justice shall render judgment of discontinuance against the plaintiff with costs to the defendant; and the defendant may thereafter sue for and recover his demand in any court having cognizance thereof.

Set off in  
suits by ad-  
ministrators,  
&c.

Sec. 75. Whenever a set-off is established in a suit brought by executors or administrators, and the defendant shall be entitled to judgment, such judgment shall be rendered against the plaintiffs in their representative character, and shall be evidence of debt established to be paid in the course of administration, but no execution shall issue thereon.

Sec. 76. If defendant neglect to set off any demand which, accord-

ing to the preceding provisions might have been allowed to him on the trial of the cause, he shall be forever thereafter precluded from recovering costs in any action brought to recover such demand or any part thereof which might have been set off; and if the demand which might have been set off, consisted of a negotiable promissory note or bill of exchange, no person who shall derive title thereto, after the amount thereof might have been set off as aforesaid, shall recover costs in any action thereon.

Sec. 77. In every action where the title to any lands shall in any wise come in question, the defendant, at the time he is required to join issue, and not after, may give notice under the general issue, showing that the title to lands will come in question, and may also give notice of any other matter of defence to the action.

Sec. 78. Such plea and notice shall be in writing, and signed by the defendant or his attorney, and delivered to the justice.

Sec. 79. At the time of tendering such plea and notice, the defendant, with at least one sufficient surety, to be approved by the justice, shall enter into a bond to the plaintiff, in a penalty, at least two hundred dollars, conditioned that such defendant will pay any judgment that may be rendered against him in such action in the circuit or district court of such county.

Sec. 80. Such bond shall be delivered to the justice at the time of tendering such plea and notice, and the justice shall thereupon without further proceeding, certify the cause and papers to the circuit or district court of the proper county where the same be tried, and the costs so paid by the defendants, shall be allowed to him if he recover costs in the action in that court.

Sec. 81. If such bond be not delivered as herein directed, the justice shall have jurisdiction of the cause, and shall proceed therein, and the defendant shall be precluded in his defence from all evidence drawing in question the title to lands; and any claim of title to lands made by the plaintiff in his declaration, and therein described, shall be deemed to be admitted by the defendant.

Sec. 82. If it appear on the trial from the plaintiff's own showing that the title to lands is in question, which title shall not be admitted by the defendant, the justice shall, without further proceeding, certify the cause and papers to the circuit or district court of the county where the same

Defendant neglecting to set off demand, precluded from recovering costs.

Notice that title will come in question

Plea and notice to be in writing.

Bond to be given by defendant.

If bond be given on cause to be certified to circuit court.

If bond not delivered justice to proceed, &c.

When justice shall certify the cause to circuit court

shall be tried; and the party in whose favor judgment shall be rendered in the circuit or district court, shall recover costs, which shall include his costs before the justice.

When suit removed, pleadings to be the same.

Sec. 83. When a suit is removed from a justice by the delivery of a plea and notice, and a bond as above provided, the plaintiff in such suit shall not be permitted to declare or to give evidence only for the same cause of action whereon he relied before the justice, and the plea and notice of the defendant shall be the same which he tendered before the justice.

Costs in circuit court.

Sec. 84. If the judgment in such suit in the circuit or district court shall be for the plaintiff, he shall recover double costs; if it be for the defendant, (other than judgment of non-suit,) and the presiding judge of the court before which the issue is tried, shall certify that the title to lands did not come in question, the defendant shall not recover costs, but shall pay costs to the plaintiff.

When declaration contains several counts, and title to lands in question as to part.

Sec. 85. If the plaintiff's declaration in a suit before a justice shall contain several counts or causes of action, to one or more of which a defence, bringing in question the title to lands, shall be interposed by the defendant, and he shall tender a plea and notice to such court, and deliver a bond as above provided, the justice shall discontinue proceedings for such cause of action; and for the other causes of action the justice may continue his proceedings.

### *Of Adjournments.*

Adjournments, how obtained, &c.

Sec. 86. If the plaintiff shall make it appear to the satisfaction of the justice by his own oath, or the oath of any other person, that he cannot safely proceed to trial for the want of some material testimony or witness, the justice shall postpone the trial for such reasonable time, and so often as he shall deem it proper, not exceeding in all three months: *Provided*, That a party claiming an adjournment after a former adjournment has been had, on his own motion, shall further make it appear to the satisfaction of the justice, that he has used reasonable diligence to procure such testimony or witness, since the last preceding adjournment: *And provided*, That in the Upper Peninsula the adjournments shall not exceed six months.

Subsequent adjournm't.

When party not entitled to adjourn-

Sec. 87. No party shall be entitled to an adjournment after he shall have seen the account or demand of the adverse party, unless he shall

exhibit his account or demand, if any he has, to be litigated or passed upon in the suit, or shall state the nature thereof, as far forth as may be in his power, to the satisfaction of the justice. ment unless he exhibit his account, &c.

Sec. 88. If a cause commenced by warrant be adjourned on the application of the defendant, he shall continue during the time of adjournment in the custody of the constable, unless he shall give bond to the plaintiff in the sum of two hundred dollars, with sufficient surety or sureties, to be approved by the justice, conditioned that the defendant will render himself in execution in case judgment shall be rendered against him in the suit, and that no part of his property liable to execution shall be removed, secreted or assigned; or disposed of, except for the necessary support of himself and family, until any judgment the plaintiff may obtain against him shall be satisfied, or until the expiration of ten days after the plaintiff shall be entitled to execution thereon. Defendant on warrant, obtaining adjournm't may give bond and be discharged.

Sec. 89. If such cause be adjourned on the application of the plaintiff, the defendant, if the justice shall think it proper, shall be discharged from custody, but the cause shall not be discontinued by such discharge; and at the adjourned day the same proceedings shall be had as in case of a summons returned personally served. If cause adjourned by consent, &c. defendant to be disch'd.

Sec. 90. At the time of the return of a summons against a resident of the county, in favor of one who is also a resident, or an attachment personally served, or of a writ of replevin, or of joining issue without process, a justice may, in his discretion, and with or without the consent of the parties, adjourn the cause not exceeding six days. When justice may adjourn the court without consent of parties.

#### *Of compelling the Attendance of Witnesses.*

Sec. 91. Any justice of the peace may issue subpoenas to compel the attendance of witnesses, to give evidence in any cause or matter depending before himself or any other justice or court; and such subpoenas shall be valid to compel the attendance of a witness within the same county where the cause or matter is to be tried, or in another county, and within thirty miles of the place of trial. Justice may issue subpoenas.

Sec. 92. A subpoena may be served either by a constable or any other person, and it shall be served by reading the same, or stating the contents to the witness, and by paying or tendering the fees allowed by law for traveling, and one-half day's attendance. Subpoena, by whom & how served.

When attachment may issue for witness-  
es.

Sec. 93. Whenever it shall appear by the affidavit of the party in the suit, or by other competent testimony, to the satisfaction of the justice, that any person duly subpoenaed to appear before him in any cause shall have refused or neglected without just cause to attend as a witness in conformity to such subpoena, and that the testimony of such witness is material, as the deponent verily believes, the justice shall have power to issue an attachment to compel the attendance of such witness.

Fees for serving attachment against witnesses, by whom paid.

Sec. 94. Every such attachment shall be issued in the same manner as a warrant, and the fees of the officers for issuing and serving the same, shall be paid by the person against whom the same shall have been issued, unless he shall show reasonable cause to the satisfaction of the justice for his omission to attend; in which case the party requiring such attachment shall pay all costs of such attachment and the service of the same.

Penalty for refusing to appear or to testify.

Sec. 95. Every person duly subpoenaed as a witness, who shall not appear, or who appearing shall refuse to testify, shall forfeit for every such non-appearance or refusal, (unless some reasonable cause or excuse shall be shown on his oath, or the oath of some other person,) a sum not less than one dollar, nor more than ten dollars.

How fine imposed.

Sec. 96. Such fine may be imposed by the justice, upon the witness being before him, or his being brought before him on attachment; and the justice shall thereupon make and enter in his docket, a minute of the conviction and the cause thereof, and the same shall be deemed a judgment, in all respects, at the suit of the people of this State.

When execution to issue to collect fine, and how executed.

Sec. 97. Upon the imposition of such fine, and in default of payment thereof, with costs, the justice shall forthwith issue an execution directed to any constable of the county, commanding him to levy such fine, with costs, on the goods and chattels of the delinquent, and for want thereof, to take and convey him to the jail of the county, there to remain until he shall pay such fine and costs; and the keeper of such jail shall keep such delinquent in close custody in such jail, until the fine and costs be paid, but such imprisonment shall not exceed thirty days.

Money collected, to be returned &

Sec. 98. When money shall be collected on such execution, the constable shall return the same to the justice, and such justice shall pay

over the amount of such fine to the county treasurer, to be distributed according to law. paid over to county treasurer.

Sec. 99. Every person subpoenaed as aforesaid, and neglecting or refusing to appear or testify, shall also be liable to the party in whose behalf he shall have been subpoenaed, for all damages which such party shall sustain by reason of such non-appearance or refusal; and in all cases when any fees shall be paid to any person for attendance or travel as a witness, and such person shall fail to attend, he shall refund the amount paid. Witness neglecting to appear, or refusing to testify, liable for damages.

Sec. 100. Every person subpoenaed as aforesaid, and neglecting or refusing to appear or testify, shall also be liable to the party in whose behalf he shall have been subpoenaed, for all damages which such party shall sustain by reason of such non-appearance or refusal; and in all cases where any fees shall be paid to any person for attendance or travel as a witness, and such person shall fail to attend, he shall refund the amount paid. Ditto.

*Of the trial of Issues of Fact, and the Incidents thereto.*

Sec. 101. Whenever issue shall have been joined in a suit before justice, if no jury shall have been demanded by either party, the justice shall proceed to try such issue, to hear the proofs and allegations of the parties, and to determine the same according to law, as the very right of the case may appear. a Issues, when and how to be tried by justice.

Sec. 102. Whenever a defendant who has been personally served with a summons, attachment, or writ of replevin, or who shall have procured an adjournment without having joined issue, shall neglect to appear and join issue, the justice shall proceed to hear the proofs and allegations of the plaintiff, and determine the same as above prescribed. Trial when defendant fails to appear.

Sec. 103. After an issue of fact joined, and before the first adjournment, and before the justice shall proceed to an investigation of the merits of the cause, by an examination of a witness, or the hearing of any other testimony, either of the parties, or the attorney of either of them, may demand of the justice that the cause be tried by a jury, and pay to the justice the lawful fees of the jurors. When party may demand a jury.

Sec. 104. Either party who shall not, at the time of joining issue in any cause, and before the same shall be adjourned, require a trial of such cause by jury, shall be deemed to have waived the same. If no demand be made, jury deemed to be waived.

List of  
names to be  
made.

Sec. 105. Upon such demand and payment of such fees to the justice, such justice shall direct some disinterested constable, or other proper person of the county, to write down a list of the names of eighteen inhabitants of the county qualified to serve as jurors in courts of record, who shall be in no wise of kin to the plaintiff or defendant, nor interested in such suit.

Person making list to be sworn.

Sec. 106. The constable or other person directed to make such list, shall, before making the same, be sworn by the justice to select such persons according to his best judgment, and without favor or partiality to either party.

Names to be struck from list, as jury summoned.

Sec. 107. From such list each party may strike off six names; and in case of the absence or refusal of either party to strike out, the justice shall strike out for him six names from said list; and the justice shall thereupon issue a venire, directed to any constable of the county, requiring him to summon the six persons whose names shall remain upon the list, to appear at a time and place to be named therein, to make a jury for the trial of the action between the parties named in such venire; and the constable shall serve such venire personally on each juror named therein, if to be found within his county.

Parties may agree on jury.

Sec. 108. The parties may agree upon six or any less number of jurors to try the cause; and in such case the justice shall direct in the venire the summoning of the persons so agreed upon, who, when summoned and appearing, shall compose the jury; and the justice shall make a minute of such agreement in his docket.

When taken men to be summoned.

Sec. 109. If any of the jurors named in the venire shall not be found, or shall fail to appear according to the summons, or if there shall be any legal objection to any one who shall appear, it shall be the duty of the constable, on being thereunto directed by the justice, to summon a sufficient number of talesmen to supply the deficiency.

Oath to jurors.

Sec. 110. To each juror the justice shall administer an oath or affirmation, well and truly to try the matter in difference between .....  
....., plaintiff, and ..... defendant, and unless discharged by the justice, a true verdict to give, according to law and evidence.

Ex parte affidavit not received without consent.

Sec. 111. No *ex parte* affidavit of any person shall be allowed or given in evidence on any trial, either with or without a jury, unless the parties agree to allow the same.



Sec. 112. After the jury shall be duly sworn, they shall sit together and hear the proofs and allegations of the parties, which shall be delivered publicly in their presence. Jury to hear proofs.

Sec. 113. Either party may in all cases have the other sworn as a witness; and if the plaintiff refuse to appear on being personally subpoenaed, or being present, refuse to swear, the case shall be dismissed; if the defendant refuse to appear on being personally subpoenaed, or being present, refuse to swear, the plaintiff's demand shall be taken as confessed, no set-off allowed, and judgment entered accordingly; such testimony shall not be used as evidence in any other case, civil or criminal, against such party testifying, except that if such cause shall be appealed, the testimony given by such party in the justice's court shall be admissible, in case such party has been personally subpoenaed, and shall not appear, to testify in the circuit court. How parties may be made witnesses, and judgment in case they refuse.

Sec. 114. Any party causing witnesses to be subpoenaed, and not swearing and examining them, if in attendance, shall pay the costs occasioned thereby, unless the use of such witness or witnesses be dispensed with by the admission of the opposite party; any party calling more than two witnesses to a fact not contradicted by any other witness, shall pay the costs occasioned by such supernumerary witness. Unnecessary witnesses' costs paid.

Sec. 115. When any written instrument, purporting to be executed by one of the parties, is declared upon or set off, it may be used in evidence on the trial of the cause against such party, without proving its execution, unless its execution be denied by oath at the time of declaring, or pleading, or giving notice of set-off, if such instrument shall be produced and filed with the justice. Execution of instrument need not be proved unless denied on oath, &c.

Sec. 116. A party in a suit, or having an interest in the event thereof, may be a witness to prove the death or absence beyond the reach of a subpoena of the justice, of a subscribing witness to, or the loss of, any instrument which shall come in question on the trial, in order to introduce other proof of the execution or contents of such instrument. Party may be witness to prove death, &c., of witness, or loss of instrument.

Sec. 117. A failure or want of consideration, in whole or in part, may be given in evidence, in any action or set-off upon, or arising out of any contract, except negotiable instruments, negotiated before they became due, to persons not having notice of such defence; in actions upon such contracts, evidence of a partial failure, or want of Failure of consideration, &c., when may be given in evidence.

consideration, shall not be admitted, unless notice of such defence shall be given.

Objections  
to compe-  
tency of  
witnesses,  
how tried.

Sec. 118. If a witness, on being produced, shall be objected to as incompetent, such objections shall be tried and determined by the justice; and evidence may be given in support of, or against such objection, as in other cases, or the proposed witness may be examined on oath by the party objecting; and if so examined, no other testimony shall be received from either party, as to the competency of such witness.

Oath of wit-  
ness.

Sec. 119. Every person offered as a witness, before any testimony be given by him, shall be duly sworn or affirmed, that the evidence he shall give relating to the matter in difference between ..... plaintiff, and ....., defendant, shall be the truth, the whole truth, and nothing but the truth.

Jury to be  
kept toge-  
ther till they  
agree, &c.

Sec. 120. After hearing the proofs and allegations, the jury shall be kept together in some convenient place, under the charge of a constable, until they shall agree upon their verdict, and for that purpose the

Oath of offi-  
cer attend-  
ing jury.

justice shall administer to such constable the following oath: "You do swear, (or affirm, as the case may be,) that you will, to the utmost of your ability, keep the persons sworn as jurors on this trial, in some private and convenient place, without meat or drink, except such as shall be ordered by me; that you will not suffer any communication, orally or otherwise, to be made to them; that you will not communicate with them yourself, orally or otherwise, unless by my order, or to ask them if they have agreed on their verdict, until they shall be discharged; and that you will not, before they render their verdict, communicate to any person the state of their deliberations, or the verdict they have agreed upon."

Verdict to  
be delivered  
publicly, &  
judgment  
rendered.

Sec. 121. When the jurors have agreed upon their verdict, they shall deliver the same to the justice publicly, and thereupon the justice shall enter the same in his docket, and render judgment thereon.

When jury  
cannot agree  
new jury to  
be summ'd.

Sec. 122. Whenever a justice shall be satisfied that a jury sworn in any cause before him cannot agree on their verdict, after having been out a reasonable time, he may discharge them; and thereupon a new jury shall be selected and summoned as hereinbefore directed, within forty-eight hours, unless the parties agree upon a longer time, or consent

that the justice may render judgment on the evidence already before him, which, in such case, he may do.

Sec. 123. Every person who shall be duly summoned as a juror, and shall not appear, nor render a reasonable excuse for his default, or appearing, shall refuse to serve, shall be subject to the same fine, to be imposed and collected with costs, in the same manner, and paid over for the same use, as hereinbefore provided in respect to a person subpoenaed as a witness, and not appearing, or appearing, and refusing to testify.

Sec. 124. If, before joining issue in any cause, the defendant or his attorney shall make affidavit that the justice before whom the same is pending is a material witness for such defendant, without whose testimony he cannot safely proceed to trial, and shall state in said affidavit the facts he expects to prove by said justice, the justice shall make an entry of the filing of such affidavit in his docket, and an order that the suit, and all the papers relating thereto, be transferred to some other justice of the same township or city, to be named in such order, who may thereupon proceed to hear, try and determine the cause, in the same manner as if the suit had been originally commenced before him, and with the like effect, or the justice may in such order, in his discretion, postpone the hearing of said cause to such time and place in the township as he shall see fit; at which time and place the justice to whom the cause is transferred, shall attend, and proceed to hear, try and determine said cause, as aforesaid.

*Of Judgments, and Filing Transcripts thereof.*

Sec. 125. Judgment of non-suit, with costs, shall be rendered against a plaintiff prosecuting an action before a justice of the peace, in the following cases:

- 1st. If he discontinue or withdraw his action;
- 2d. If he fail to appear on the return of any process, within one hour after the same was returnable;
- 3d. If, after an adjournment, he fail to appear within one hour after the time to which the adjournment shall have been made;
- 4th. If he become non-suited on the trial.

Sec. 126. Judgment for the defendant, with costs, shall be rendered, whenever a trial has been had and it be found by verdict, or by the de-

Penalty on juror for not appearing or refusing to serve.

When justice a material witness suit to be transferred.

Judgment of non-suit, when to be rendered.

When judgment for defendant to be rendered.

cision of the justice, that the plaintiff has no cause of action against the defendant.

Costs on  
 rendition of  
 judgment.

Sec. 127. Whenever a judgment shall be rendered by a justice against any party, unless herein otherwise provided, it shall be with costs of the suit; but the whole amount of all the items of such costs shall not in any case exceed five dollars, unless the judgment for debt or damages shall exceed one hundred dollars.

When plain-  
tiff not to re-  
cover costs.

Sec. 128. No costs shall be recovered by the plaintiff in actions upon judgments rendered in this State, unless good cause shall be shown therefor upon oath.

Proceedings  
 in case of  
 process  
 against two  
 or more, and  
 service on  
 either.

Sec. 129. If process shall have issued against two or more persons, jointly indebted, and shall have been personally served upon either of the defendants, the defendant who may have been served with process, shall answer to the plaintiff, and the judgment in such case, if rendered in favor of the plaintiff, shall be against all the defendants in the same manner as if all had been served with process; but execution shall issue only in the manner hereinafter directed.

Effect of  
 judgment in  
 such case.

Sec. 130. Such judgment shall be conclusive evidence of the liability of the defendant who was personally served with process in the suit, or who appeared therein; but against every other defendant, it shall be evidence only of the extent of the plaintiff's demand, after the liability of such defendant shall have been established by other evidence.

Judgment  
 upon attach-  
 ment not  
 personally  
 served, pre-  
 sumptive  
 evidence  
 only.

Sec. 131. A judgment obtained before a justice in any suit commenced by attachment, in which the defendant was not personally served, and did not appear, shall be only presumptive evidence of indebtedness in any suit which may be brought thereon, or in which the same may come in question, and may be repelled by the defendant.

When judg-  
 ment to be  
 rendered &  
 entered in  
 docket.

Sec. 132. In cases where a plaintiff shall be non-suited, discontinue or withdraw his action, and where a judgment shall be confessed, and in all cases where a verdict shall be rendered, or the defendant shall be in custody at the time of hearing the cause, the justice shall forthwith render judgment, and enter the same in his docket; in all other cases, he shall render judgment and enter the same in his docket, within four days after the cause shall have been submitted to him for his final decision.

Sec. 133. When a balance shall be found in favor of a party, either by the verdict of a jury, or upon a hearing before the justice, exceeding the sum for which the justice is authorized to give judgment, such party may remit and release the excess, and may take judgment for the residue.

When party may remit excess, and take judgment for residue.

Sec. 134. Whenever an execution shall be returned unsatisfied in whole or in part, it shall be the duty of a justice of the peace having the control of any judgment rendered by himself or any other justice, for twenty dollars or over, exclusive of costs, on the demand of any person in whose favor the same shall have been rendered, or his attorney, to give a certified transcript of such judgment, and of the proceedings in the case, so far as they appear upon the docket, together with the original security for stay of execution, if any such security shall have been given.

When justice to give transcript of judgment, &c. on demand.

Sec. 135. If the plaintiff, his agent or attorney, shall make an affidavit, stating the amount due upon such judgment, it shall be the duty of the clerk of the circuit or district court for the county in which such judgment shall have been rendered, to file such transcript and security for stay of execution in his office when requested, and to enter and docket the judgment in a book, to be by him kept for that purpose, noting therein the time of receiving it, and the amount sworn to be due.

Clerk to file transcript, and docket judgment, on affidavit being made.

Sec. 136. Such judgment shall have the same effect as a judgment rendered in the circuit or district court, and may in the same manner be enforced, discharged and canceled; and execution may be issued thereon against both the surety and the person against whom the judgment was rendered, or either of them, in the same manner as if execution were to be issued by the justice.

Effect of judgment as docketed, & execution thereon.

#### *Of Executions and Proceedings thereon.*

Sec. 137. Upon any judgment being rendered before a justice of the peace, he shall issue execution thereon, if requested, at the time and in the manner hereinafter prescribed, which shall be dated on the day when it actually issued, and be made returnable in sixty days thereafter.

Issue and return of execution.

Sec. 138. Such execution shall be directed to any constable of the same county, and shall command him in the name of the people of

Contents of execution, and how directed.

the State of Michigan, to levy the debt or damages, with interest and cost, of the goods and chattels of the person or persons against whom the same shall be issued, (excepting such goods and chattels as are by law exempted from execution,) and bring the money before such justice, at the time and place therein to be mentioned, to render to the party who recovered the same.

When execution is command come able to take the body.—Sec. 145, 173.

Sec. 139. In all cases where, by the provisions of this chapter, an execution may issue against the body of any person, it shall, if the judgment creditor require it, contain a further command to the constable, that if no such goods or chattels can be found, or not sufficient to satisfy such execution, he shall take the body of the person against whom the same shall be issued, and convey him to the common jail of the county, there to remain until such execution shall be paid and satisfied, or he be discharged by due course of law.

When to issue against principal and surety for stay of execution.

Sec. 140. In all cases where security shall have been given for the stay of execution, as hereinafter provided, if the debt or damages, with interests and costs, shall not be paid within the time limited by law therefor, execution shall be issued by the justice on application of the judgment creditor, his agent or attorney, against both principal and surety, with the same effect as if the judgment had been rendered against both such principal and surety upon a joint liability, after the return of process personally served, except that no such execution shall be issued against the body of the surety.

When execution may issue against security alone.—§143.

Sec. 141. When security is given for the stay of execution, and the defendant against whom the judgment was rendered shall die before execution is issued against him, it shall be lawful to issue execution against the surety alone.

If defendant die after levy and before sale.

Sec. 142. When the defendant in an execution shall die after levy and before sale, the property levied on shall be sold in the same manner as if he was alive; but if no levy has been made in such case, such execution shall be returned without further proceedings; but if an execution shall have issued against several defendants, and some of them die thereafter, or against the defendant in the judgment and his surety for the stay of execution, and the defendant in the execution shall die before levy, the execution may be executed upon the property of the surety.

Where some of several defendants die.

Sec. 143. In case the defendant in the judgment shall die before execution shall have been issued thereon, execution may nevertheless be issued against the surety for stay of execution. if defendant die before execution.—§141.

Sec. 144. If the plaintiff die after the execution has issued, the same shall be executed and returned as if the plaintiff were living.

Sec. 145. An execution issued by a justice of the peace may authorize the arrest and imprisonment of the person against whom the judgment is rendered in the following cases: In what cases execution may issue against the body.—§139.

1st. When the action in which such judgment was rendered shall have been commenced by warrant;

2d. When the judgment was rendered in an action of replevin, trespass, trover, or action on the case for tort;

3d. In case of fraud or breach of trust, when the debt arises on contract, or is founded on a contract, express or implied;

4th. In actions for money collected by public officers, or in any professional employment;

5th. When the plaintiff, or some one in his behalf, shall, at or after the time of rendering the judgment, make and file with the justice an affidavit, setting forth the facts and circumstances which would have entitled him to a warrant against the defendant, according to the provisions of this chapter, or such facts and circumstances shall appear from the proceedings, or the evidence on the trial of the cause.

Sec. 146. In the cases mentioned in the preceding section, and also in suits commenced by attachment, execution shall, on application of the person in whose favor the judgment was rendered, his agent or attorney, be issued forthwith after the rendition of the judgment, unless such execution may be and is stayed as hereinafter provided. When execution to issue forthwith.

Sec. 147. Upon all judgments rendered by justices of the peace, except in the cases mentioned in the two last preceding sections, executions shall issue at the expiration of five days from the rendering of the judgment, unless such execution shall be stayed as hereinafter provided; and such execution shall not issue sooner without the consent, in writing, of the person against whom the judgment was obtained, or the proof in the next section specified. When to issue after five days.

Sec. 148. If the party obtaining such judgment shall make it appear, by his own oath, or other competent testimony, to the satisfaction When execution to issue on oath of party.

of the justice, that such party will be in danger of losing the amount recovered by him, unless execution issue sooner than is prescribed in the last preceding section, such justice shall issue execution immediately, unless the same be stayed by the party against whom the same was rendered, as hereinafter provided.

When application for such execution may be made.

Sec. 149. Application for such execution may be made at the time of rendering the judgment; or if a reasonable notice be given to the adverse party of the intention to apply for such execution, such application may be made at any time after the judgment shall have been rendered.

How execution may be stayed.

Sec. 150. The party against whom any judgment shall be recovered, may stay the execution thereon, until the expiration of the time hereinafter prescribed, by giving to the party in whose favor judgment was obtained, and filing with the justice within five days after the justice shall be authorized to issue execution thereon, security in writing, with one or more sufficient sureties, satisfactory to the judgment creditor or the justice, for the payment of the money, with interest and costs, at or before the expiration of three months from the commencement of the suit, if such money shall not exceed twenty-five dollars exclusive of costs; and at or before the expiration of six months, if such money exceed twenty-five dollars, and is under fifty dollars; and at or before the expiration of ten months if such money exceed fifty dollars, exclusive of costs.

Cases in which no stay of execution is allowed.

Sec. 151. No stay of execution shall be allowed in the following cases, except at the option of the plaintiff:

1st. In actions against any corporation, except at the option of the plaintiff;

2d. On any official bond, or bond given to secure the faithful discharge of the duties of any trust, as to the principal in such bond;

3d. On judgments against justices of the peace, sheriffs, constables, or other officers, for money by them collected, or received as such justice, sheriff, constable, or other officer;

vid. §178.

4th. On any judgment against a constable for failing to make return, making a false return, or failing to pay over money collected in his official capacity;

5th. On judgments against bail for the stay of execution;



6th. On judgments in favor of bail, who have been compelled to pay money on account of their principal;

7th. On judgments obtained by constables on undertakings executed to them for the delivery of property;

8th. Against an individual for money deposited with him;

9th. Upon judgments for costs only;

10th. In actions of replevin; but in all such cases executions shall issue forthwith.

Sec. 152. In all cases where stay of execution is allowed by law, the party entitled thereto, shall have stay of execution, by his surety or sureties becoming such security on the docket of the justice, in substantially the following form: How execution may be stayed.

I, A.... B...., hereby acknowledge myself surety for the payment of the judgment to the plaintiff, by the defendant, of the above judgment, with interest and costs thereon, at or before the expiration of .... months from the commencement of said suit. Dated this ..... day of ....., 18...  
Witness, A.... B.... E.... W...., Justice. Form of stay.

And such entry shall have the effect of a judgment; and execution may issue thereon in the manner prescribed in this chapter, and an action of assumpsit may be brought thereon. Effect of stay.

Sec. 153. When judgment shall be rendered against two or more persons, any of whom are sureties for other or others in the contract on which the judgment is founded, there shall be no stay of execution on the judgment, if the surety or sureties, or any of them, object at the time of rendering the judgment, unless the bail for the stay of execution will undertake specially to pay the judgment, in case the amount thereof cannot be collected of the principal defendant. Execution on judgment against principal and surety on contract not to be stayed if surety objects, unless, &c.

Sec. 154. In all cases where stay of execution is allowed by law, if execution shall have issued within the five days hereinbefore specified, if the judgment debtor shall, within that time, give security for the stay of execution as aforesaid, the justice shall make an order recalling the execution; and if the same has been levied upon property, such property shall, upon the production of such order to the constable, be forthwith released therefrom, and returned to the person from whom it was taken; and if the judgment debtor be in custody thereon, the officer in whose custody he may be, upon the production of such order, shall forthwith discharge him therefrom. When execution shall be recalled, and proceedings thereon.

If security for stay remove out of county, execution may issue on proof, &c.

Sec. 155. When any person who has become security for stay of execution, shall before the expiration of such stay, remove out of the county, the justice by whom the judgment was rendered, or the justice having the right to issue the execution on the judgment, shall, on demand, and on proof of such removal by the oath of the party, or otherwise, issue execution upon such judgment, against the goods and chattels of the party against whom the judgment was rendered.

When execution may issue on application of security for stay.

Sec. 156. When any security for the stay of execution shall become apprehensive that by delaying the execution until the full time of such stay, he may be compelled to pay the judgment, it shall be lawful for him to make and file affidavit of that fact before the justice authorized to issue execution; whereupon the justice shall issue execution against the judgment debtor: *Provided*, That such surety shall not thereby be discharged from liability, but may be proceeded against after the expiration of the time of stay, in the same manner as if execution had not issued as aforesaid.

In such cases, execution may be recalled on giving further security.

Sec. 157. If the judgment debtor shall, in either of the cases mentioned in the two preceding sections, within five days after levying such execution, give further security for the stay of execution, during so much of the first stay as remains then unexpired, and shall pay the costs of the execution issued against him as aforesaid, it shall be the duty of the justice to take such further security, and recall the execution; and the person who became security shall first be proceeded against, until it shall appear by the return of the constable that he had no goods and chattels on which to levy or to satisfy the judgment, before proceedings shall be had against the security first given.

Rights of a surety for stay who has satisfied judgment.

Sec. 158. When any judgment shall have been satisfied, by any person who shall have become surety for the stay of execution thereon, such judgment shall remain good and valid in law, for the use of such security, who, at any time thereafter, may sue out execution on such judgment, against the goods and chattels of the defendant, for the use of such security, which shall be so endorsed by the justice; such security shall also be entitled to a transcript of such judgment, for his own use, which shall have the same force and effect as transcripts in other cases.

When additional security

Sec. 159. At any time before the stay of execution shall expire, if the justice having authority to issue execution, shall become satisfied

that the security is insufficient, it shall be lawful for him to cause written notice thereof to be given to the defendant; or if he be absent, that the same be left at his residence, requiring him to give additional security; if such defendant shall not have given such additional security, on or by the third day after the giving of such notice, such fact shall be entered on the docket, and he shall immediately issue execution against the defendant for the collection of the judgment; if within five days after the issuing of such execution, security to the satisfaction of the justice is given, and the defendant shall pay the costs of the execution issued against him as aforesaid, the execution shall be recalled and stayed until the expiration of the original stay.

ity may be required.

If not given, execution to issue. If given in five days, execution to be re-called.

Sec. 160. When a judgment shall be obtained against joint debtors, upon process which was not personally served upon all the defendants, execution may be issued in form against all; but the justice shall endorse thereon the names of such of the defendants who did not appear in the suit, as were not personally served with process of warrant, summons or attachment.

Execution on judgment against joint debtors, when process not served on all, justice to endorse names of those not served, &c.

Sec. 161. Such execution shall not be served upon the persons of the defendants whose names are endorsed thereon; nor shall it be levied upon the sole property of any such defendant, who neither appeared in the suit nor was personally served with such process; but it may be collected of the several property of any defendant who appeared or was served personally with process, or of the joint or co-partnership property of all the defendants.

How such execution to be served.

Sec. 162. If any execution be returned unsatisfied, in whole or in part, a further execution for the amount remaining due, may be issued upon the request of the plaintiff, or party interested therein, or the justice may renew the same by an endorsement thereon to that effect, signed by him, and dated when the same shall be made, which shall be deemed to renew the execution in full force, in all respects for sixty days; if any part of such execution has been satisfied, the justice shall endorse on the execution the sum remaining due thereon.

When further execution may be issued, or old one be renewed.

Sec. 163. An execution may be issued upon any judgment recovered before a justice of the peace, at any time within two years after such judgment shall have been rendered, or after the issuing of a former execution which shall have been returned unsatisfied, in whole or in part.

Execution may issue within two years.

Execution,  
where any of  
defendants  
are sureties.

Sec. 164. Whenever it shall appear from the docket, or on the trial, that any of the defendants are sureties, the justice shall note the same on the execution; and it shall be the duty of the officer executing the same, first, to levy on the goods of the principal, and if enough of such goods can be found to satisfy the execution, no levy shall be made on the goods of the surety.

Property of  
principal  
debtor to be  
first exhausted.

Sec. 165. Every officer having an execution in his hands for collection, upon an affidavit being served upon him, made by any co-defendant in such execution, his agent or attorney, showing the principal debtor therein, shall first exhaust all the personal estate of said principal debtor, which may be turned out by any one of the defendants, before selling the property of any other defendant who may be surety in the demand upon which the judgment was rendered.

Endorsement of levy  
and notice of  
sale.

Sec. 166. The constable, after taking goods and chattels into custody, by virtue of an execution, shall endorse thereon the time of levying the same, and immediately give public notice, by advertisement, signed by himself, and put up at three public places in the city or township where such goods and chattels shall be taken, when and where they will be exposed for sale.

Notice to  
describe  
goods, &c.

Sec. 167. Such notice shall describe the goods and chattels, and shall be put up at least five days before the time appointed for the sale.

Sale of goods  
on execution.

Sec. 168. At the time and place so appointed, or at such other time as the sale may be adjourned to within the life of the execution, the goods and chattels being present, and pointed out to the inspection and examination of the bidders, the constable shall expose them to sale at vendue to the highest bidder.

Return of  
execution.

Sec. 169. The constable shall return the execution, and pay the debt or damages, and costs levied, to the justice who issued the same; or in case of his death, absence or removal from office, then to the justice having the custody of his docket, returning the surplus, if any, to the person against whom the execution issued.

When not  
sufficient  
time to ad-  
vertise and  
sell.—§177.

Sec. 170. Where any constable shall not have been able to levy on any goods and chattels until there shall not be time sufficient after the levy to advertise for sale, he shall return with the execution a schedule of all such goods and chattels.

When live  
stock taken,  
allowance  
for keeping.

Sec. 171. When any cattle or other live stock shall be taken in execution, it shall be the duty of the justice who issued the execution, or

other justice charged with the duty of collecting the judgment whereon such execution issued, to allow the constable, for keeping of the same, a reasonable compensation, to be taxed and collected as other costs in the suit.

Sec. 172. No constable shall, directly or indirectly, purchase any goods or chattels, upon any sale made by him upon execution; and every such purchase shall be absolutely void. Constable not to purchase at sale.

Sec. 173. For want of sufficient goods and chattels whereon to levy, the constable shall, in the cases authorized by law, if the execution require it, take the body of the person against whom the execution shall have issued, and convey him to the common jail of the county, the keeper whereof is hereby required to keep such person in safe custody in jail until the debt or damages and costs shall be paid, or he be thence discharged by due course of law. When constable to take body of def. indant.—§139, 145.

Sec. 174. No female shall be arrested or imprisoned upon any execution issued by a justice of the peace. No female to be arrested on execut'n.

Sec. 175. If a constable shall neglect to return an execution and pay over the moneys by him collected thereon, within five days after the return day thereof, or shall neglect to levy an execution, or otherwise execute the same according to law, the party in whose favor such execution was issued, or who shall be entitled to such moneys, may maintain an action of assumpsit, in his own name, upon the instrument of security given by such constable and his sureties; and in such suit the amount of the execution, with interest from the time of the rendition of the judgment upon which the same was issued, shall be recovered, and execution shall issue forthwith, and no stay of execution shall be allowed. If constable neglect to return execution, &c., action may be maintained against him and his sureties. No stay allowed.

Sec. 176. No constable shall levy upon, or sell any property, or imprison a defendant, upon any execution, after the time limited therein for its return, except as is provided in the next section. Not to levy or sell, &c., after return day.

Sec. 177. Whenever an execution is returned by an officer having the same, that he had levied on property, but there was not sufficient time after such levy to advertise and sell the same, the justice may re-new such execution, or issue another execution and annex thereto a copy of such return, and such property may be sold on the renewed or alias execution in the same manner as on the first execution; and if such property be insufficient, other property may be levied on to satisfy such Proceedings where levy is made, but not sufficient time to sell.—§170

execution, either before or after such sale. In case the officer who levied upon the property shall be living and in office, the renewed or alias execution shall be executed by him.

Constable may proceed on execution after expiration of his term. §268.

Sec. 178. Every constable to whom any execution shall have been delivered, and whose term of office shall expire before the time within which the return or collection of such execution is required by law, shall proceed thereon in the same manner, and shall have the same powers in relation thereto, as if his term of office had not expired; and such constable and his sureties shall be liable for any neglect of duty, and for moneys collected upon such execution, in the same manner and to the same extent as if the term of office of such constable had not expired.

Where constable shall die, &c., other constable may proceed.

Sec. 179. If any constable to whom any execution shall have been delivered, shall die, become insane, or by sickness, or otherwise, be incapable of completing the service and return thereof, before such writ shall have been fully executed, any other constable may proceed thereon in the same manner that the constable to whom such writ was originally delivered might have done.

When transcript filed and docketed, execution to issue out of circuit court.

Sec. 180. Whenever a transcript of a judgment rendered by a justice of the peace shall have been filed and docketed by the clerk of the circuit or district court for the county, all executions thereon shall be issued out of and under the seal of such circuit or district court, and the power and authority of the justice in respect to such judgment shall cease.

Contents of execution from circuit court.

Sec. 181. Whenever an execution shall be issued out the circuit court on a justice's judgment, it shall be in the same form, as near as may be, as other executions issued out of such court, against the goods and chattels, lands and tenements, of the person against whom it shall issue; and in cases where execution against the body of any person against whom the judgment was rendered, might have been issued by the justice thereon, such execution shall command the sheriff, for want of goods and chattels, lands or tenements, to satisfy such execution, to take the body of such person and commit him to the jail of the county, there to remain until discharged by due course of law; and to make return of his proceedings on said execution to the said court, within ninety days from the date thereof.

Sec. 182. Executions between the same parties, upon judgments re-

covered in their own right, may be set off, one against another, if required by either party, in the following manner: When one of the executions is delivered to a constable to be served, the person who is the debtor therein, may deliver his execution to the same constable, and such constable shall apply the amount thereof, so far as it will extend, or so far as may be necessary, to the satisfaction of the first execution; and the balance due on the larger execution shall be collected and paid in the same manner as if there had been no set-off.

Executions between same parties may be set off, and how.

### *Of Appeals.*

Sec. 183. Any party to a judgment rendered by a justice of the peace, conceiving himself aggrieved thereby, may appeal therefrom to the circuit or district court for the county where the same was rendered, in the following cases:

Cases in which an appeal is allowed.

1st. Where final judgment was rendered on an issue of law joined between the parties;

2d. Where final judgment was rendered on an issue of fact joined between the parties;

3d. Where the defendant did not appear and plead, and final judgment was rendered for the plaintiff on the merits of his claim;

4th. Where a judgment of non-suit has been rendered.

Sec. 184. The party appealing under the provisions of the preceding section, shall, within five days after the rendition of the judgment, present to the justice an affidavit made by himself, his agent, or attorney, before any person authorized to administer oaths, stating that such judgment is not in accordance with the just rights of such party, as the person making such affidavit verily believes; and in case there shall be any objection to the process, pleadings, or other proceedings, and to the decision of the justice thereon, which would not be allowed to be made on the trial of the appeal, the same may be set forth specifically in the affidavit.

Affidavit of party appealing.

Sec. 185. The party appealing under the provisions of the preceding section, shall, also, within five days after the rendition of the judgment, deliver to the justice a bond or recognizance to the adverse party, in conformity with the following provisions:

Recognizance or bond on appeal.

1st. It shall be in a penalty not less than fifty dollars, and not less than double the amount of the judgment, excluding costs:

Penalty.

Contents of  
recogni-  
zance.

2d. It shall recite the judgment so far as to exhibit the names of all the parties, the character in which they prosecuted or defended before the justice, the amount recovered, and the name of the justice;

Ibid.

3d. It shall contain a condition, that the appellant will prosecute his appeal with all due diligence to a decision in the circuit or district court; and that if a judgment be rendered against him in such court, he will pay the amount of such judgment, including the costs of the appeal, with interest thereon; and if his appeal shall be discontinued or dismissed, that he will pay the costs of such appeal;

Sureties.

4th. It shall be executed by the appellant, with one or more sufficient sureties, or by two or more sufficient sureties, without the appellant; such bond or recognizance may be taken by the justice by whom the judgment was rendered, or by any other justice of the peace of the same township.

Surety to  
justify.

Sec. 186. No justice of the peace shall take any bond or recognizance, on appeal as hereinbefore provided, unless the person entering into the same as surety justifies his responsibility on oath, and answers any question touching his pecuniary circumstances which such justice may deem proper to put.

When justifi-  
cation not  
necessary.

Justice to  
certify.

Sec. 187. Such justification shall not be necessary when the opposite party, or his attorney, admits the pecuniary responsibility of such surety or sureties to be sufficient; and it shall be the duty of the justice, at the time of taking such bond or recognizance, to certify whether the surety justified, or his responsibility was admitted as aforesaid.

Costs to be  
paid.

Sec. 188. The appellant shall also, within the said five days, pay to the justice the sum of one dollar for making and filing his return, and also the costs of the opposite party included in the judgment.

When term  
of justice  
shall expire,  
&c.

Sec. 189. When the term of office of a justice shall expire, or otherwise become vacant, between the rendition of a judgment by him and the time limited for appealing, such justice may take and approve the bond or recognizance, and it shall be his duty to make return to such appeal in like manner as if he was in office at the time of taking such bond or recognizance, and of making such return.

When cir-  
cuit court  
may authorize

Sec. 190. Appeals may be authorized by the circuit or district court, after the expiration of five days, where the party making the appeal



has been prevented from taking the same by circumstances not under his control. See appeal after five days.

Sec. 191. The affidavit and bond or recognizance, in case of the absence from his dwelling house of the justice by whom the judgment was rendered, may be served on any member of his family of suitable age, and the costs and fees may be paid to such person. How recognizance served when justice absent.

Sec. 192. On such certificate being presented to the officer holding the execution, he shall forthwith release the property, or the body of the party against whom the same was issued, which may have been taken; and if such party shall have been committed to prison, upon service of the like certificate upon the jailor, he shall release him from imprisonment. When property to be released, &c.

Sec. 193. Within ten days after any appeal shall have been made, the justice shall make a return of the proceedings had before him to the circuit or district court for the county, in which shall be stated: Return of justice to appeal.

1st. The title of the cause, and the character in which the parties prosecuted or defended before him;

2d. The demand of the plaintiff; and if his declaration was in writing, a copy thereof shall be set forth;

3d. The plea of the defendant, and any notice of set-off or matter of defence given by him, and all other proceedings of the parties upon which a trial was had or an issue was formed; and if in writing, copies thereof shall be set forth;

4th. If the trial was by jury, the names of the jurors and their verdict;

5th. The judgment rendered, and the time of rendering the same; and

6th. The time when the affidavit and bond or recognizance hereinbefore required were delivered to the justice, and the fees of the justice were paid.

Sec. 194. The justice, in addition to the particulars required by the preceding section, shall make a full and complete return as to all matters stated and set forth in such affidavit mentioned in the latter part of the preceding section one hundred and eighty-four, and shall also return copies of all processes, returns, pleadings and affidavits upon which any process issued or motion was made, and so much of the evidence and proceedings as may be necessary fully to exhibit the questions, motions and decisions, made and presented in such cause. Additional particulars to be returned.

Return, &c.,  
of justice to  
file within  
ten days.

Sec. 195. Within ten days after the appeal shall be duly made, the justice shall file with the clerk of the circuit or district court, his return made as above directed, together with all papers filed with him by either party relating to the cause, and the affidavit and bond or recognizance delivered to him by the appellant.

How return  
may be com-  
pelled.

Sec. 196. The court to which the appeal shall have been taken, upon evidence being given that an appeal has been duly made, may, by rule and attachment, compel a return by the justice of his proceedings and of all papers and matters required to be returned by him, during the same term, or at a subsequent term; and if a rule shall have been entered requiring such return, as hereinbefore authorized, and shall have been served ten days previously, the court shall issue an attachment against such delinquent justice, unless good cause to the contrary be shown by such justice.

Amend-  
ment  
of return  
compelled.

Sec. 197. Upon satisfactory evidence that the return of a justice is substantially erroneous or defective, the court may in like manner compel him to amend the same.

Disobe-  
dience of  
justice, how  
punished.

Sec. 198. Upon an attachment being issued against a justice, pursuant to either of the foregoing sections, the court may punish the disobedience of the justice, by imprisonment, until he submit, and may adjudge that he pay the costs of the proceedings against him; and such order shall be enforced as other orders of the court.

When court  
to deter-  
mine appeal.

Sec. 199. Upon the return of the justice being made and filed, if the appeal be not dismissed, and the nature and circumstances of the case, and the questions presented by the return, are such as not to require a trial by jury, the court shall have power to examine and determine the same, and to give such judgment, or make such order in the case, as law and justice between the parties shall require.

Issue of law,  
&c., to be  
tried by  
court.

Sec. 200. In all cases of appeal brought into the circuit or district court, if the appeal be not dismissed, and there be an issue of law joined in the cause, or there shall be no issue of fact, or if there shall be an issue of fact, and there shall be no demand of the trial of said cause by jury on the first day of the term at which said cause shall be tried, in such manner as the court shall by its rules prescribe, it shall be tried by the court; if an issue of fact, it shall, if demanded by either party as above mentioned, be tried by a jury.

When ap-  
peal to be  
tried by ju-  
ry.

Sec. 201. If the return of the justice to the appeal be made and filed ten days before the first day of any term of the court, either party may notice the cause for trial. When appeal may be noticed for trial.

Sec. 202. Such notice shall be in writing, and shall be served at least eight days before the term at which the trial is intended to be had, in such manner as is or shall be required by the general rules of the court. Notice of trial, how served.

Sec. 203. No appeal shall be dismissed on account of any informality or imperfection in the bond or recognizance, executed by or on behalf of the appellant, if he and his sureties consent to amend the same, or if another sufficient bond, to be approved by the court, shall be filed; and in such case the court shall amend or receive such bond accordingly. Imperfect bond, &c., may be amended or perfected.

Sec. 204. No appeal shall be dismissed on the ground that the costs of the justice have not been paid, nor upon any other ground than such as shall have been expressed in the notice; but in all cases, the fact of a return having been made by a justice, shall be conclusive evidence of such fees having been paid. Appeal not to be dismissed because costs not paid.

Sec. 205. No appeal shall be dismissed on the ground of a defective affidavit, nor because the same does not conform to the provisions of this chapter: *Provided*, The appellant, his agent or attorney, shall make an affidavit which shall conform to said provisions. An affidavit may be perfected.

Sec. 206. If an appeal be dismissed or discontinued, the court shall enter judgment in favor of the appellee for costs. Costs on dismissal, &c.

Sec. 207. If an appeal be not prosecuted within such time as shall be prescribed by the general rules of the court, the court shall order the same to be discontinued, with costs. When appeal to be discontinued.

Sec. 208. Upon an appeal being dismissed or discontinued, and a certified copy of the order of dismissal or discontinuance being served upon the justice, he shall proceed thereon, as if no appeal had been made. Order of dismissal to be served on justice.

Sec. 209. The appellee in whose favor a judgment shall have been rendered, shall not be entitled to prosecute the bond or recognizance given on appeal which shall have been dismissed or discontinued, until an execution on the judgment appealed from shall have been returned, that sufficient goods and chattels of such appellant cannot be found to satisfy the same. Appellee not to prosecute bond, &c., till execution returned unsatisfied.

Power of  
court to al-  
low amend-  
ments, &c.

Sec. 210. If the appeal be not dismissed, the court shall proceed to the hearing of the cause, or the trial thereof by jury, as the case may require, and shall have power to allow all necessary amendments to the pleadings, or the filing of new pleadings in the cause, as right and justice between the parties may require, and upon such terms as the court shall deem equitable; and the court shall have the same power over the verdict of a jury, and shall render judgment thereon in the same manner, as in other suits in such court.

Costs, how  
awarded.

Sec. 211. In all cases heard and determined on appeal, the costs, or such part thereof as to the court shall seem just, may be awarded to either party, as the court may deem just and right between the parties, in view of the particular circumstances of each case.

Costs before  
fee tax to be  
included.

Sec. 212. Whenever costs are awarded to the appellant, he shall be allowed to tax, as part thereof, the fee paid to the justice, and the costs, if any, which he ought to have recovered in the cause before the justice; and when costs are awarded to the appellee upon a hearing or trial of the cause in the circuit court, he shall be allowed to tax, as a part thereof, the costs, if any, which he ought to have recovered in the cause before the justice.

When costs  
to be set off  
against debt  
or damages.

Sec. 213. If, upon an appeal, a recovery for any debt or damages be had by one party, and costs be awarded to the other party, the court shall set off such costs against such debt or damages, and render judgment for the balance.

When judg-  
ment to be  
entered  
against ap-  
pellant and  
surety.

Sec. 214. In all cases where judgment shall be rendered against the appellant in the circuit court, the same may, on motion of the appellee, be entered, as well against the surety on the appeal, as against the appellant, and execution may issue against them jointly; but in such case the surety shall be discharged from such judgment, if no execution be issued thereon within thirty days after the rendition thereof, unless such surety consent to further delay.

Sureties to  
be disch'd  
unless exe-  
cution issue  
against ap-  
pellant in  
thirty days.

Sec. 215. If the judgment be rendered against the appellant alone, execution shall be issued thereon within thirty days after the rendition of the same, or the sureties in the appeal bond shall be discharged.

### *Of Certioraris.*

Certiorari  
allowed.

Sec. 216. In all cases of judgments rendered by a justice of the

peace, whether issue was joined before the justice or not, either party may remove such judgment by a writ of certiorari, into the circuit or district court for the county in which the judgment was rendered.

Sec. 217. The party intending to apply for such certiorari, shall give the justice notice in writing, in five days after the rendition of the judgment, of his intention of removing the cause to the circuit or district court by certiorari; and shall, within the same time, make or cause to be made an affidavit, setting forth the substance of the testimony and proceedings before the justice, and the grounds upon which an allegation of error is founded.

Sec. 218. Such affidavit shall, within thirty days after rendering such judgment, be presented to one of the circuit judges, or to a circuit court commissioner of any county of this State, and if he be satisfied that an error has been committed by the justice or jury, in the proceedings, verdict or judgment, he shall allow the certiorari, by endorsing his allowance thereon.

Sec. 219. The party obtaining such certiorari, shall execute to the opposite party, a bond, with one or more sufficient sureties, to be approved by the judge or commissioner who allowed the certiorari, or by the justice who rendered the judgment, in a penalty of at least fifty dollars, where the whole amount of the judgment for debt or damages and costs shall not exceed twenty-five dollars; and where the judgment for debt or damages and costs shall exceed the sum of twenty-five dollars, then the penalty of said bond shall be in double the amount of said judgment, if such judgment was rendered against the party applying for such certiorari, conditioned to prosecute such certiorari to effect, and abide the judgment of the circuit or district court therein, and pay the debt or damages and costs that shall be awarded against him.

Sec. 220. The party procuring the certiorari need not execute the bond in the last section mentioned, if the same shall be executed by two or more sureties. The sufficiency of the surety or sureties shall be approved by the person allowing the certiorari, or the justice on whose judgment the certiorari is brought.

Sec. 221. If the judgment was in favor of the person applying for such certiorari, then such bond shall be in a penalty of at least fifty dollars, conditioned to pay such costs as shall be awarded against him, in case such judgment shall be affirmed.

*Affidavit to be filed and writ issued.*

Sec. 222. The affidavit, after the allowance of the certiorari shall have been endorsed thereon, and within ten days after such allowance, shall be filed in the office of the clerk of said circuit or district court, and thereupon a writ of certiorari shall be issued by such clerk, within three days after the filing of such affidavit.

*Certiorari to be served on justice, &c.*

Sec. 223. Such writ of certiorari shall, within ten days after it shall have been issued, or within such other time as the officer allowing the same shall direct at the time of allowing the certiorari, be served upon the justice by whom the judgment was rendered, together with the bond given, and a copy of the affidavit on which the certiorari was allowed; and the sum of two dollars shall be paid to the justice for his fees for making a return to the certiorari, and no certiorari shall be of any effect until all the preceding requisitions shall have been complied with.

*Fees for return must be paid.*

*Service of certiorari to stay or suspend execution.*

Sec. 224. If the certiorari, bond and copy of the affidavit shall be served on the justice before an execution shall have been issued, it shall stay the issuing of the same; and if the execution shall have been issued, but not collected, the justice shall grant the party requiring it a certificate of the issuing of such certiorari, which, on being served on the officer in whose hands the execution may be, shall suspend such execution.

*Return of justice to certiorari.*

Sec. 225. The justice, before the return day of such certiorari, or within ten days after the service of such certiorari, shall make return thereto in writing, and file the same; in which return he shall truly and fully answer to all the facts set forth in the copy of the affidavit on which the certiorari was allowed.

*Writ, bond, affidavit and return to be attached together.*

Sec. 226. The justice shall cause the certiorari, the bond, and the copy of the affidavit on which such certiorari was allowed, and his return to the same, to be attached together and filed in the office of the clerk of the court from which the writ of certiorari issued.

*Amendment to return may be compelled.*

Sec. 227. The court may compel such justice to make or amend such return by rule, at achment, or mandamus, as the case may require.

*When cause may be brought on to argument.*

Sec. 228. When such return shall be so filed with the clerk, the cause may be brought on to argument, at any term of the court thereafter, without any assignment or joinder in error, unless there be an allegation of error in fact, and without furnishing any other copy or

copies of the affidavit, certiorari, and return to the court or the opposite party, than those filed with the clerk.

Sec. 229. The court shall proceed to give judgment in the cause as Judgment on certiorari. the right of the matter may appear, without regarding technical omissions, imperfections or defects in the proceedings before the justice, which did not affect the merits; and may affirm or reverse the judgment, in whole or in part, and execution shall issue thereon, as upon other judgments rendered in the circuit or district court.

Sec. 230. If the judgment be affirmed, costs shall be awarded to the defendant in error; if it be reversed, costs shall be awarded to the plaintiff in error; if judgment be affirmed in part, the costs, or such part as to the court shall seem just, may be awarded to either party. How costs to be awarded.

Sec. 231. No judgment of a justice shall be reversed merely for the omission or misrecital of an oath, nor on account of any fees having been improperly allowed by such justice, nor on account of the informality or insufficiency of any bond that shall have been given by the party bringing the certiorari: *Provided*, Another bond, to be approved by the court, shall be given within such time as the court shall direct. Judgment not to be reversed for certain informalities.

Sec. 232. If a judgment, rendered before a justice, be collected, and afterwards be reversed, the court shall award restitution of the amount so collected, with seven per cent. interest from the time of collection; to justify such award, the party claiming, shall present satisfactory evidence of the fact of such collection having been made, to the court, at the argument of the cause. When judgment is collected, and afterward reversed, &c.

*General Provisions concerning Justices' Courts, and Proceedings therein.*

Sec. 233. All process issued by a justice of the peace shall be signed by him, and may be under seal or without seal. All process to be signed.

Sec. 234. No constable shall ask or receive any money or other valuable thing from a defendant or other person, as a consideration, reward or inducement, for omitting to arrest any delinquent, or to carry him before any justice, or for delaying to take any party to prison, or for postponing the sale of any property under any execution, or for omitting or delaying the execution of any duty pertaining to his office. Constable not to take reward, &c.

Justice or constable not to purchase demand for purpose of suing; nor justice give as to place demand in their hands for prosecution.

Sec. 235. No justice of the peace or constable shall, directly or indirectly, buy or be interested in buying, any bond, note, or other demand or cause of action, for the purpose of commencing any suit thereon before a justice; nor shall any justice or constable, either before or after suit brought, lend or advance, or agree to lend or advance, or procure to be lent or advanced, any money or valuable thing, to any person in consideration of, or as a reward for, or inducement to, the placing or having placed in the hands of such justice or constable, any debt, demand or cause of action whatever, for prosecution or collection.

Justice not to purchase judgment rendered by him.

Sec. 236. No justice of the peace shall purchase, directly or indirectly, or be interested in the purchase of, any judgment rendered by him.

Punishment for violation of three preceding sections.

Sec. 237. Every justice or constable, offending against either of the provisions of the three last preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment, in the discretion of the court; and every such conviction shall operate as a forfeiture of the office of the justice or constable so convicted.

What to be entered in justice's docket.

Sec. 238. Every justice of the peace shall keep a docket, in which he shall enter,

- 1st. The title of all causes commenced before him;
- 2d. The time when the first and subsequent process was issued against the defendant, and the particular process issued;
- 3d. The time when the parties appear before him, either without process, or on the return of process;
- 4th. When the pleadings are made orally, a concise statement of the declaration of the plaintiff, the plea of the defendant, the further pleadings of the parties, if any, and the issue joined;
- 5th. Every adjournment, stating on whose motion, and to what time and place;
- 6th. The issuing of a venire, stating at whose request, and the time and place of its return;
- 7th. The time when a trial was had, the names of the jurors returned summoned, who did not appear, and the fines imposed upon them, if any;



8th. The names of the jurors who appeared and were sworn, the names of the witnesses sworn at the request of either party, stating at whose request; the objections, if any, made to the competency of a witness, and the decision thereon;

9th. The verdict of the jury, and when received;

10th. The judgment rendered by the justice, and the time of rendering the same;

11th. The time of putting in any stay of execution, and the name of the surety or sureties therefor;

12th. The time of issuing execution, and the name of the officer to whom delivered;

13th. The return of every execution, and when made;

14th. The fact of an appeal having been made from any judgment rendered by him, and the time when made;

15th. The fact of his having given a transcript of the judgment to be filed in the clerk's office, and the time when the same was given.

Sec. 239. The several items in the preceding section enumerated, shall be entered under the title of each cause to which they respectively relate; and in addition thereto, the justice may enter any other proceedings had before him in such cause, which he shall think it useful to enter in such docket. Items to be entered under title of cause to which they relate.

Sec. 240. Whenever it shall become necessary in any action or other proceeding before a justice of the peace, to give evidence of a judgment or other proceeding had before him, the original entry of such judgment or other proceeding, or a transcript thereof certified by him, shall be good evidence thereof before such justice. Original entry of evidence before same justice.

Sec. 241. A transcript from the docket of any justice of the peace, of any judgment had before him; of the proceedings in the cause previous to such judgment; of the execution issued thereon, if any, and of the return to such execution, if any, when certified by the justice having control of such docket, shall be evidence to prove the facts stated in such transcript. Certified transcript of judgment, &c., evidence.

Sec. 242. The proceedings in any cause or matter, had before a justice, may also be proved by the oath of the justice; and in case of the death or absence of the justice, they may be proved by producing the original minutes of such proceedings, entered in a book kept by such Other proof of proceedings before justice.

justice, accompanied by proof of his hand writing, or they may be proved by producing copies of such minutes, sworn to by a competent witness, as having been compared by him with the original entries, with proof that such entries were in the hand writing of the justice.

Justice to  
file and pre-  
serve pa-  
pers.

Index of  
judgments,  
&c.

Sec. 243. Every justice shall carefully preserve and file all affidavits and papers delivered to him to be filed in any cause.

Sec. 244. Every justice shall keep an alphabetical index of all judgments entered in his docket book, in the course of any judicial proceedings had before him, in which shall be inserted the names of the parties to each judgment, and the page of his docket where such judgment is entered.

When jus-  
tice may de-  
liver papers,  
&c., to an-  
other justice  
who may  
proceed  
thereon.

Sec. 245. If any justice of the peace shall be absent when there shall be pending before him any matter or suit undetermined, he may deliver over all the papers relating to such matter or suit, with a minute of his proceedings therein, to some neighboring justice of the same city or township, who may thereupon proceed to hear, try and determine such matter or suit, in the same manner as if such matter or suit had been commenced before him, and with like effect; but the parties to such matter or suit, their agents or attorneys, shall be notified of such transfer, previous to any hearing or trial of such matter or suit.

When jus-  
tice re-elected,  
or proceed-  
ings before  
him to contin-  
ue without  
interruption.

Sec. 246. When the same justice shall be re-elected and qualified to fill the vacancy occasioned by the expiration of his own term of office, his authority shall be considered as having continued without interruption; and all business commenced by or before him during his former term of office, may be prosecuted and completed in the same manner as if such former term had not expired.

When jus-  
tice de-  
liver books  
and papers  
to successor.

Sec. 247. When the term of office of a justice shall expire, if his successor shall be elected and qualified, he shall forthwith deliver over to such successor all the books and papers relating to his office as a justice of the peace.

When  
books, &c.,  
to be de-  
livered to  
clerk.

Sec. 248. Whenever any justice shall be removed from office, or shall remove out of the township or city in which he was elected, or his office shall in any way become vacant, except by death, if his successor in office be not elected and qualified, such justice, or the person in whose possession the same may be, shall, within ten days after such

vacancy shall happen, deliver to the township or city clerk, all the books and papers in his custody relating to his office as a justice of the peace; and whenever such vacancy shall happen by the division or any alteration of the boundary of a township or city, said books and papers shall be delivered to the clerk of the township or city, in which is the last place of residence, prior to such vacancy, of such justice.

Sec. 249. In case any justice shall die, and any books or papers belonging to such justice in his official capacity, shall come to the hands of any person, the township or city clerk may demand and receive such books and papers from the person having the same in his possession; and it shall be the duty of every such person, within ten days after any such books or papers shall come to his possession, whether demanded or not, to deliver the same to the township or city clerk.

On death of justice, books, &c., to be delivered to clerk.

Sec. 250. Whenever any township or city clerk shall receive the books and papers of any justice of the peace, as hereinbefore provided, he shall, within ten days from the time he received the same, deliver them over to some other justice of the same township or city, and give notice thereof.

Clerk to deliver books, &c., to some justice of the township or city and give notice.

Sec. 251. Such notice shall specify the name of the justice whose books and papers shall have been so delivered, and to what justice, and when the same were delivered by such clerk, and shall be posted up in three of the most public places in such township or city.

Notice what to specify.

Sec. 252. Whenever the office of any justice shall become vacant by resignation, removal or otherwise, and there shall be pending before him any matter or suit undetermined, and the books and papers of such justice shall be delivered over to any other justice of the city or township, pursuant to the foregoing provisions, the justice to whom such books and papers shall be so delivered, shall proceed to hear, try and determine such matter or suit, and to issue execution thereon, in the same manner and with the like effect as he might have done if such matter or suit had been originally commenced before him.

Justice to whom books, &c., are delivered, to continue proceedings.

Sec. 253. The justice to whom the books and papers of another justice shall have been transferred, as hereinbefore provided, may issue execution upon any judgment appearing upon the books so transferred, in the same manner, and with the like effect as if such judgment had been rendered by him.

Justice receiving books, &c., may issue execution.

When et-  
justice to  
make return  
to appeal.

Sec. 254. Whenever an appeal shall be duly made from a judgment rendered by a justice while in office, either before or after the justice shall have gone out of office, and before or after his books and papers shall have been delivered to the clerk of the township or city, or to his successor in office, it shall be the duty of such justice to make return to such appeal, in like manner as if he were in office at the time of making such return.

When jus-  
tice receiv-  
books, &c.,  
to make re-  
turn to ap-  
peal.

Sec. 255. If a justice to whom a notice of appeal and bond or recognizance shall have been duly delivered, as hereinbefore provided, shall die, become insane, remove out of the State, or abscond, so that the return of such justice to the appeal cannot be compelled, the justice to whom his books and papers shall have been transferred, shall make and file with the clerk of the circuit court a transcript of the docket of the cause, together with all the papers relating thereto, and the circuit court shall proceed thereon in the same manner as if return had been made by the justice who rendered the judgment therein.

Parties to  
have five  
days to ap-  
peal in cer-  
tain cases,  
after trans-  
fer of books,  
&c.

Sec. 256. If before the expiration of the time limited for appealing from any judgment rendered by a justice of the peace, the term of office of such justice shall expire, or his office otherwise become vacant, either party conceiving himself aggrieved by such judgment, may, within five days after the books and papers of such justice shall have been transferred to another justice, pursuant to the foregoing provisions, deliver a notice of appeal and bond or recognizance to the justice having control of such judgment, and pay him the fee hereinbefore provided; and such justice shall, within ten days thereafter, make return to such appeal in the same manner, and with the like effect, as if the judgment appealed from had been rendered by him.

Proceedings  
in case re-  
turn to ap-  
peal cannot  
be com-  
pelled.

Sec. 257. If for any cause a return to an appeal cannot be compelled, the court to which such appeal shall be made, may receive the affidavits of witnesses and of the parties, to the facts and circumstances of the proceedings, and of the judgment appealed from, and shall proceed thereon in the same manner as if such facts had been returned by the justice whose duty it was to make return to such appeal.

Compelling  
return when  
justice re-  
moves to  
another  
county.

Sec. 258. If any justice whose duty it shall be to make return to any appeal, shall, before making such return according to law, remove out of the county into any other county in this State, the court to which such

appeal shall be made, shall have power to compel a return of such appeal in the same manner as if such justice had not removed.

Sec. 259. Every justice who shall issue any process authorized by this chapter, whenever he shall judge it expedient, on the request of a party, may, by written authority endorsed on such process, empower any proper person being of lawful age, and not a party or interested in the suit, to execute the same. Justice may empower person to serve process.

Sec. 260. The person so empowered shall possess all the authority of a constable in relation to the execution of such process, and shall be subject to the same obligations, but shall not receive any fee or reward for his services thereon. Authority of person so empowered.

Sec. 261. In the following cases, a justice of the peace may punish, as for criminal contempt, persons guilty of the following acts: In what cases justice may punish for contempt.

1st. Disorderly, contemptuous or insolent behavior towards such justice, while engaged in the trial of a cause, or in the rendering of any judgment, or in any judicial proceeding, which shall tend to interrupt such proceedings, or to impair the respect due to his authority;

2d. Any breach of the peace, noise, or other disturbance, tending to interrupt any official proceedings of a justice;

3d. Resistance wilfully offered by any person in the presence of a justice, to the execution of any lawful order or process made or issued by him.

Sec. 262. Punishment for contempts, in the foregoing cases, may be by fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding five days, or both, in the discretion of the justice; but no person shall remain imprisoned for the non-payment of such fine, more than ten days. Punishment for contempt.

Sec. 263. No person shall be punished for a contempt before a justice, until an opportunity shall have been given him to be heard in his defence; and for that purpose, a justice may issue a warrant to bring the offender before him; or, if the contempt was committed in the presence of the justice, he may cause the offender forthwith to be arrested therefor, without issuing any process in the first instance. Person to have opportunity to be heard in his defence, &c.

Sec. 264. Upon convicting any person of contempt, the justice shall make a record of such conviction, stating therein the particular circumstances of the offence; and the warrant of commitment for any con- Record of conviction and warrant of commitment to

state cir-  
cumstances,  
&c.

tempt, shall also state the circumstances of the offence, or it shall be void.

Witness re-  
fusing to be  
sworn, or to  
testify, may  
be commit-  
ted.

Sec. 265. When a witness attending before any justice in the cause, shall refuse to be sworn in the form prescribed by law, or to answer any pertinent or proper question, such justice may by warrant commit such witness to the jail of the county.

Warrant  
what to spe-  
cify.

Sec. 266. Such warrant shall specify the cause for which the same is issued, and if it be for refusing to answer any question, such question shall be specified therein; and such witness shall be closely confined, pursuant to such warrant, until he submit to be sworn, or to answer, as the case may be.

Cause to be  
adjourned  
until wit-  
ness shall  
testify, or be  
incapable,  
&c.

Sec. 267. The justice shall thereupon adjourn such cause at the request of the party in whose favor such witness attended, from time to time, until such witness shall testify in the cause, or be dead, or otherwise incapable of testifying as a witness.

Constable  
may pro-  
ceed on exe-  
cution after  
expiration  
of his term.  
—§ 178.

Sec. 268. Every constable to whom any execution shall have been delivered, and whose term of office shall expire before the time within which the return or collection of such execution is required by law, shall proceed thereon in the same manner, and shall have the same power in relation thereto, as if his term of office had not expired; and such constable and his sureties shall be liable for any neglect of duty, and for moneys collected upon such execution, in the same manner, and to the same extent, as if the term of office of such constable had not expired.

Pending ac-  
tions may  
proceed un-  
der this act.

Sec. 269. No action or proceeding, pending at the time this chapter takes effect, shall be affected thereby, but the same may proceed under the provisions of this chapter; or the chapter hereby amended, may apply thereto.

Approved February 13, 1855.

[ No. 174. ]

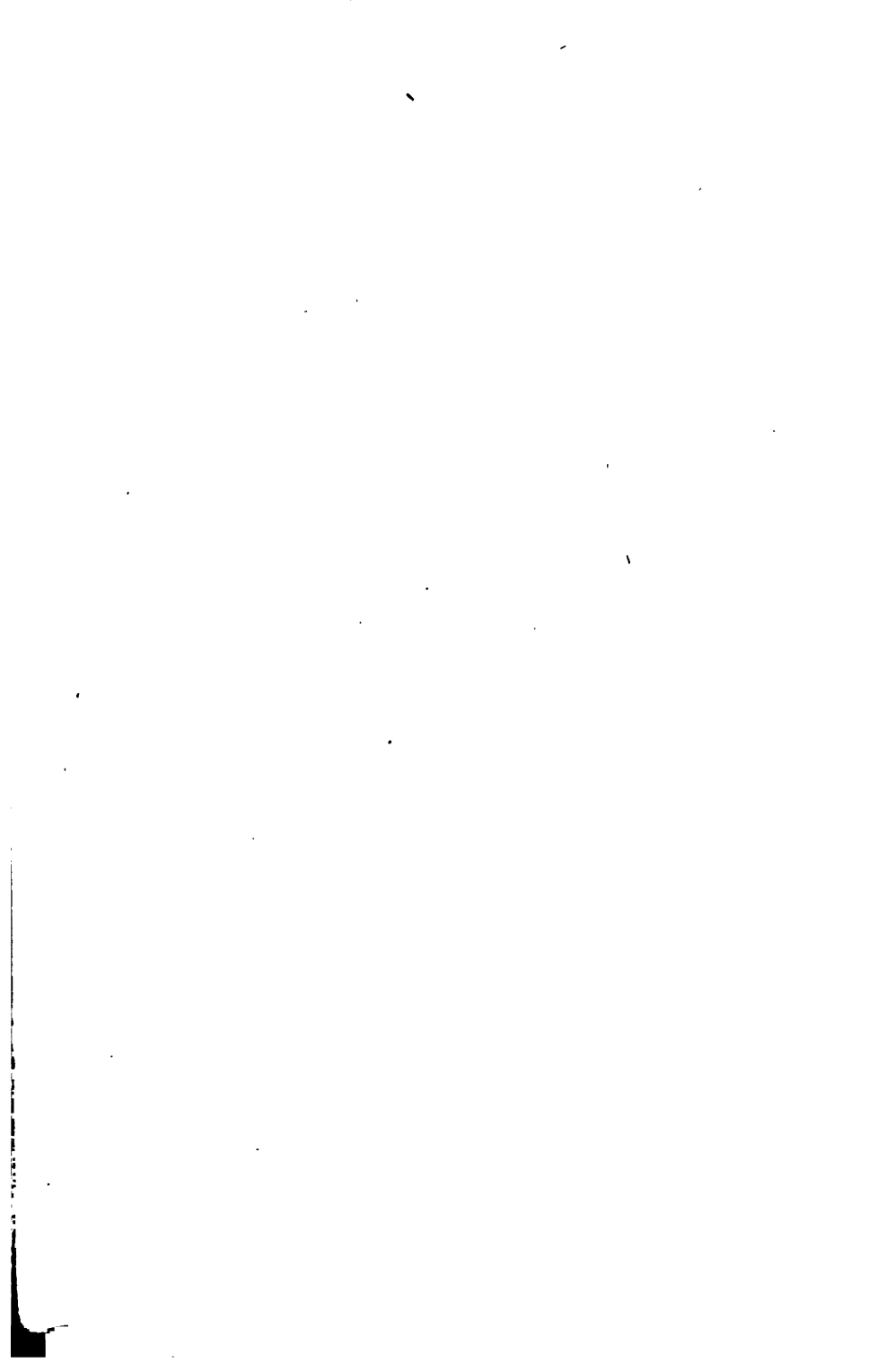
AN ACT to prevent the wrongful taking, detaching from the ground, or injuring any fruit tree, shade tree, ornamental shrub, plant, vine, or vegetable.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Taking, in-</sup> any person who shall wrongfully take and carry away from any place, <sup>juring, &c.</sup> any fruit tree, ornamental tree, shade tree, ornamental shrub, or any plant, vine, bush or vegetable, there growing, standing or being, with intent to deprive the owner thereof; or who shall without right and with wrongful intent detach from the ground or injure any fruit tree, ornamental tree, shade tree, ornamental shrub, or any plant, vine, bush or vegetable, shall be guilty of a misdemeanor, and on conviction thereof be punished by imprisonment in the county jail not more than six <sup>Punishment.</sup> months, or by fine not exceeding two hundred and fifty dollars, or by both such fine and imprisonment, in the discretion of the court.

Approved February 14, 1855.

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NOTE.—The words enclosed in brackets in the foregoing pages were in the engrossed bills, as passed by the Legislature, but are not in the enrolled copies.





## JOINT RESOLUTIONS.

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[ No. 1. ]

JOINT RESOLUTION relative to the claim of Jonas H. Titus.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and are hereby authorized to audit and pay the claim of Jonas H. Titus, for services as Commissioner of the State to the Exhibition of Industry of all Nations, in the city of New York, in the year 1853.

Approved January 12, 1855.

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[ No. 2. ]

JOINT RESOLUTION of instruction to the Agent and Inspectors of the State Prison.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Agent and Inspectors of the State Prison be instructed to carefully and promptly investigate the financial situation, management, and all other matters relative to that institution, which may claim the attention of the Legislature, and report the same without delay, and the Secretary of the Senate be requested to furnish William Hammond, the Agent, and each of the Inspectors, severally, with a copy of this resolution.

Approved January 17, 1855.

## JOINT RESOLUTIONS.

[ No. 3. ]

JOINT RESOLUTION relative to the printing of a Manual.

*Resolved by the Senate and House of Representatives, That the committee on printing be instructed to prepare and cause to be published, with all practicable dispatch, for the use of the two Houses of this and the next Legislature, a manual, containing the rules of each House, the joint rules of the same, and the rules of the said Houses in joint convention, with an index thereof; the revised constitution of this State, with an index thereof; the census of this State for the years one thousand eight hundred and forty-five, one thousand eight hundred and fifty, and one thousand eight hundred and fifty-four, by townships and counties, in alphabetical order; a table of the names, residence, post-office address, boarding house, &c., of each member of the Legislature; a list of the Senators by districts, and of the Representatives by counties, and the districts thereof; a table of the standing committees of each House, and a calendar of the present year; and also, a diagram of the two Houses.*

Approved January 19, 1855.

[ No. 4. ]

JOINT RESOLUTION for the relief of certain purchasers of University Lands.

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Treasurer of the State of Michigan be and he is hereby authorized, and it shall be his duty to receive the money, principal and interest, unpaid upon any one or either of the certificates following, to-wit: certificates respectively number 619, issued by the Commissioner of the Land Office to William Oliver; 637, 638 and 639, issued to Albert V. Stebbins: Provided, The same shall be paid on or before the first day of March, A. D. 1855. Upon the payment of the amount of the principal and interest unpaid within the time aforesaid, upon any one of the aforesaid certificates, and upon the surrender of the same, the land in such certificate mentioned shall be conveyed to the purchaser named therein, or his heirs or assigns, in like manner as if the same had been fully paid before forfeiture.*

This resolution to take effect immediately.

Approved January 20, 1855.

[ No. 5. ]

## JOINT RESOLUTION for the relief of certain purchasers of University Lands.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Treasurer of the State of Michigan be and he is hereby authorized and it shall be his duty to receive the money, principal and interest, unpaid upon any one or either of the certificates following, to wit: certificates respectively number 619, issued by the Commissioner of the Land Office to William Oliver; 637, 638 and 639, Issued to Albert V. Stebbins: *Provided,* The same shall be paid on or before the first day of March, A. D. 1855. Upon the payment of the amount of the principal and interest, unpaid, within the time aforesaid, upon any one of the aforesaid certificates, and upon the surrender of the same, the land in such certificate mentioned shall be conveyed to the purchaser named therein, or his heirs or assigns, in like manner as if the same had been fully paid before forfeiture.

This joint resolution to take effect immediately.

Approved January 26, 1855.

[ No. 6. ]

## JOINT RESOLUTION respecting Slavery in the Territories of the United States.

*Whereas,* Slavery is regarded by the people of this State as a great moral, social and political evil, at war with the principles of the Declaration of Independence, and the great object contemplated by our forefathers in establishing the constitution of the United States; an impediment to the prosperity of our common country, and an element of domestic weakness and discord; and

*Whereas,* The people of Michigan owe it to the early and prudent exercise of the power of Congress over the Territories of the United States, in applying the anti-slavery restriction contained in the ordinance of 1787, ~~that she~~ not now a slaveholding State; and

*Whereas,* The people have heretofore, through their Legislature, repeatedly and earnestly remonstrated against the further extension of slavery in the National Territories; and

*Whereas*, Our present Senators, and two of our Representatives in Congress, did, at the session thereof now last past, vote for the repeal of the Missouri Compromise, so called, and for the passage of an act organising the Territories of Kansas and Nebraska, thereby permitting slavery to be introduced into a region equal in extent to the thirteen original States, from which territory, by the solemn legislative compact of 1820, it was forever excluded; and

*Whereas*, Such repeal has been effected without petition, without discussion by the people, and in defiance of the well known wishes and opinions of a large majority of the people of this State and of the United States; and

*Whereas*, The violation by Congress of the compact of 1820, has released the people of this State from all obligation to respect Congressional compromises for the extension or perpetuation of slavery; therefore

*Resolved by the Senate and House of Representatives of the State of Michigan*, That we hold the said repeal and the permission granted by said Territorial act, to introduce slavery into said Territories, to be a violation of a mutual covenant between the free States and the slaveholding States of the Union, justified by no necessity, present or prospective, injurious to the rights of the former, tending to interrupt the internal harmony of the country, and to frustrate the well known purpose of the framers of the constitution, who by gradual legislation designed ultimately to put an end to slavery.

*Resolved*, That we are opposed to the further extension of slavery, or the recognition or permission thereof in any territory now owned or which may hereafter be acquired by the United States.

*Resolved*, That we hold it to be within the constitutional power of Congress to abolish slavery and the slave trade in all the Territories of the United States, including the District of Columbia, and that it is their duty, in view of the great and permanent interests of the nation, to pass laws for its immediate suppression and extinction in all such Territories and in said District.

*Resolved*, That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to vote for and use their best exertions to procure the passage of an act of Congress that shall prohibit the introduction or existence of slavery in any of the Territories

of the United States, and especially in Kansas and Nebraska, and to introduce, without delay, a bill for this latter purpose.

*Resolved*, That the act of Congress of 1850, known as the Fugitive Slave Law, was, in the opinion of the people of this State, an unnecessary measure; that it contains provisions of doubtful constitutionality; that the mode of proceeding under it is harsh, unjust, and repugnant to the moral sense of the people of the free States, cruel and despotic towards the person claimed as a fugitive, and that we are in favor of its immediate repeal; therefore,

*Resolved*, That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to use their best exertions to procure the immediate repeal of the act of 1850, known as the Fugitive Slave Law.

*Resolved*, That the Governor be requested to forward copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved January 26, 1855.

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[ No. 7. ]

JOINT RESOLUTION relative to United States Military Reservations in the State of Michigan.

*Whereas*, The government of the United States has, from the time it came in possession of the territory of Michigan, reserved large tracts of land for military purposes in the vicinity of Fort Mackinac, embracing the entire island of Bois Blanc, and nearly all of the island of Mackinac, making over thirty-two thousand acres of valuable farming land:

*And whereas*, The reservation of much land in an important section of our State is entirely unnecessary for the purpose of supporting a military defence on the Straits of Mackinac, and is repugnant to the sovereignty of the State, and seriously retards the growth and prosperity of that section of Michigan; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence in procuring an order

or law authorizing the Commissioner of the General Land Office to subject the land above recited, and all other lands now held as military reserves in this State, to public sale, excepting so much territory as may be absolutely necessary for military defence, and as is usually held by forts similarly situated.

*Resolved*, That a copy of this preamble and resolution, properly attested by the Governor, be transmitted to each of our Senators and Representatives in Congress, and to the President of the United States, the Secretary of War, and to the Commissioner of the General Land Office.

Approved February 2, 1855.

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[ No. 8. ]

JOINT RESOLUTION relative to the distribution of the session laws, journals and documents of the Legislature for the year eighteen hundred and fifty-five.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the members and officers of the present Legislature be and they are hereby entitled to one copy of the session laws passed in the year eighteen hundred and fifty-five; also, the journals and documents of the Legislature of said year; and the Secretary of State be and he is hereby authorized and directed to forward one copy of each to the several members and officers of this Legislature, by forwarding the same to the county clerk of the several counties of this State in which the members or officers reside, so soon as the same are printed, bound, and ready for delivery.

Approved February 7, 1855.

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[ No. 9. ]

JOINT RESOLUTION relative to certain appropriations of public lands, made by the Legislature in the year 1848.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Attorney General be and is hereby instructed to make inquiry into the manner in which certain lands appropriated

under acts numbers 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, and 295, "approved April 3d, 1848," have been applied; and if it shall appear to him that there has been mis-applications of any or all of the lands so appropriated, and that the interests of the State shall be promoted thereby, that he commence suits against parties entrusted with said lands.

Approved February 10, 1855.

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[ No. 10. ]

JOINT RESOLUTION relative to the claim of John Van Fossen, against the State of Michigan.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be instructed to audit the claim of John Van Fossen, against the State, for materials furnished by him for the Michigan Central Railroad, and that they be instructed to allow and pay to said Van Fossen such amount as they shall deem just and equitable.

This joint resolution shall take effect immediately.

Approved February 10, 1855.

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[ No. 11. ]

JOINT RESOLUTION relative to the claim of the State against Peter Holmes, and others.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and empowered to adjust and cancel, upon such terms as they shall deem just and equitable, the claim of the State against Peter Holmes, Charles D. Holmes, and Patterson P. Holmes, founded upon a judgment rendered against them in the circuit court for the county of Calhoun, on or about the 15th day of November, A. D. 1845.

This joint resolution shall take effect immediately.

Approved February 10, 1855.

[ No. 12. ]

**JOINT RESOLUTION** relative to the construction of a Ship Canal around the Falls of Niagara.

*Whereas*, The Congress of the United States has, by numerous grants of land, aided the construction of various works of internal improvements, and thus assisted in the development of the varied resources of our common country; *And whereas*, The appropriation wisely granted to this State for the construction of a Canal around the Falls of St. Mary, and within the territory of Michigan, is of that munificent character which will open to the commercial world a trade, far exceeding in mineral wealth that of any other nation, besides forming a link in the frontier defences of our country, which, in a true military point of view, and in the event of hostilities between the United States and Great Britain, would allow the concentration of lake armaments, and give celerity to the movements of forces and munitions of war from lake to lake; *And whereas*, The Falls of Niagara now form the only remaining barrier to the uninterrupted navigation of the great chain of our inland seas and rivers, upon which borders nearly one-fourth of the States of our confederacy, and in which the trade and commerce of nearly one-half of the United States are directly or indirectly interested, and none more so than the State of Michigan, which has fifteen hundred miles of lake coast, and whose varied products now employ more vessel tonnage through the Welland Canal than any other State, thus paying tribute to a foreign power, besides subjecting our marine craft, by the want of capacity of that work, to ruinous detentions and delays already experienced, and which are increasing from year to year; *And whereas*, We conceive the immediate construction of a Ship Canal around the Falls of Niagara, in the State of New York, second to none in importance yet secured, and completing the only link wanting in connecting the navigation of our lakes with the ports of the eastern world, as well as perfecting a naval defence on the northern boundary of the nation; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed, and our Representatives be requested, to vote for the passage of a law granting lands to the State of New York, or assigns, for the construction of a



Ship Canal around the Falls of Niagara, in said State of New York, and to use all honorable means to secure the passage of the same.

*Resolved*, That the Governor of this State be requested to forward copies of the foregoing preamble and resolution to the Governors of the several States of the Union, to the President of the United States, President of the Senate, the Speaker of the House of Representatives, and to our Senators and Representatives in Congress.

Approved February 10, 1855.

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[ No. 13. ]

JOINT RESOLUTION relative to an exchange of lots with the First Baptist Church and Society of Lansing.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Governor of this State be and he is hereby authorized and directed to issue to the trustees of the First Baptist Church and Society of Lansing, a patent for the conveyance of lot number one, in block number ninety-five, in the village of Lansing, for the purpose of a church lot: *Provided*, That the said trustees do execute in the first place, a proper conveyance of lot number one, in block number one hundred and twenty-six, in the said village of Lansing, to the people of the State of Michigan, and deliver the same to the said Governor; and the said trustees are hereby authorized and empowered to execute said conveyance.

This resolution shall take effect immediately.

Approved February 10, 1855.

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[ No. 14. ]

JOINT RESOLUTION relative to an exchange of lots with the First Presbyterian Society of Lansing.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Governor be and he is hereby authorized and directed to issue a patent to the trustees of the First Presbyterian Society of Lansing, for lots number one and two, of block eighty-two, in the village of Lansing: *Provided*, That the said trustees do execute, in

the first place, a proper conveyance of lot number one, in block number one hundred and twenty-seven, in the said village of Lansing, to the people of the State of Michigan, and deliver the same to the said Governor; and the said trustees are hereby authorized and empowered to execute said conveyance.

This resolution ordered to take effect immediately.

Approved February 10, 1855.

[ No. 15. ]

JOINT RESOLUTION authorizing the settlement of the claim of Morse K. Taylor, growing out of the raising, subsisting and mustering into service the Michigan volunteer regiment for the war with Mexico.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and required to make a just and equitable settlement of the claim of Morse K. Taylor, growing out of the raising, subsisting and mustering into service of the Michigan volunteer regiment, called to serve in the late war with Mexico, and they may certify any amount due him to the Auditor General, who shall draw his warrant for the same upon the State Treasurer, who shall pay such warrant out of any money in the general fund, not otherwise appropriated: *Provided,* That the said claimant shall furnish to the State a good and sufficient bond, to be approved by the Board, conditioned that the settlement shall be final, and that he will at no time hereafter apply to the Legislature of Michigan for relief, predicated upon such claim.

Approved February 12, 1855.

[ No. 16. ]

JOINT RESOLUTION relative to a claim of the State of Michigan against Chippewa county for State tax.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be and he is hereby required to credit on the proper books of his office, to the county of Chippewa, the sum of three thousand three hundred and seventy-seven dollars

and thirty-five cents, being the amount of State tax claimed by the State as due from that county, on the first day of July, A. D. one thousand eight hundred and fifty-three, and the said claim is hereby canceled.

Approved February 12, 1855.

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[ No. 17. ]

JOINT RESOLUTION for the relief of Oliver M. Hyde.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office be and he is hereby authorized and directed to restore to Oliver M. Hyde all the rights which have become forfeited, in consequence of the non-payment of interest on Primary School Lands described in certificate number two thousand eight hundred and sixty-six, as follows, to wit: the north-west quarter of the north-west quarter of section number sixteen, in township three south, of range number nine east: *Provided,* That said Hyde shall, on or before the first day of May next, pay or cause to be paid to the said Commissioner, all arrearages of principal and interest and penalties accruing on said land, in consequence of neglect to pay the interest as prescribed by law.

This resolution shall take effect immediately.

Approved February 12, 1855.

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[ No. 18. ]

JOINT RESOLUTION for the relief of George Matthews.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby required to examine into, and if found just, allow the claim of George Matthews, growing out of his being required to surrender a patent for the south half of the south-east quarter of section twenty-eight, in township nine north, of range seven west, erroneously sold to him on the fifth day of December, eighteen hundred and forty-eight.

This resolution shall take effect immediately.

Approved February 12, 1855.

## [ No. 19. ]

## JOINT RESOLUTION for the relief of Robert Howlett.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General is hereby authorized and required to issue to Robert Howlett a land warrant, in place of that now held by him, dated and numbered as follows, to wit: dated Lansing, December second, eighteen hundred and forty-eight, and number five hundred and seventy-six, and for the sum of one hundred dollars; said warrant to be issued only on the surrender of that now in the possession of the said Robert Howlett, and described as aforesaid, the time for which said warrant was made receivable at the land office having expired.

This joint resolution is ordered to take immediate effect.

Approved February 12, 1855.

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[ No. 20. ]

## JOINT RESOLUTION for the relief of Alexander R. Tiffany, of the county of Lenawee.

*Be it resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office is hereby authorized and directed to issue to Alexander R. Tiffany, a certificate for the east half of the south half of the south-east quarter of section sixteen, in town seven south, of range four east, primary school lands; and to the assignee of Joel W. Ranger, his heirs or assigns, a certificate for the west half of the south half of the south-east quarter of the aforesaid section, being situate in the county of Lenawee, being primary school lands, and the same for which certificate numbered two hundred and forty-six, and bearing date the twenty-second day of August, in the year eighteen hundred and thirty-seven, was heretofore issued from the State Land Office, upon the surrender by the said Tiffany of the said original certificate, and proper evidence of the payment of all principal, interest and penalties, that may be due or have accrued on said parcels of land, to the said Commissioner.

This resolution shall take effect immediately.

Approved February 12, 1855.

## [ No. 21. ]

JOINT RESOLUTION authorizing the Secretary of State to issue patents for certain parcels of School Lands to David Whitney.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State is hereby authorized to issue to David Whitney, of the county of Kent, patents for the north-west quarter of the south-east quarter of section number sixteen, in township number seven north, of range number twelve west, for which, certificate number one thousand four hundred and sixty, was heretofore issued from the State Land Office, and also for the north-east quarter of the south-east quarter of section number sixteen, of the town and range aforesaid, for which, certificate number one thousand four hundred and fifty-nine was heretofore issued as aforesaid, upon the surrender of the said certificates, and the proper evidence of payment of all principal, interest and penalties that may be due, or that have accrued on said parcels of land, to the Commissioner of the said State Land Office.

This resolution shall take immediate effect.

Approved February 12, 1855.

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## [ No. 22. ]

JOINT RESOLUTION authorizing the Commissioner of the St. Mary's Falls Ship Canal to locate the track of the Chippewa Portage Company.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Superintendent of the St. Mary's Falls Ship Canal, be and he is hereby authorized, by and with the advice and consent of the Board of Control, to locate the track of the railway of the Chippewa Portage Company, for the benefit of said company, on the land in possession of this State, for the uses and purposes of said Canal, in such manner as that the said railway, or the operating thereof, shall not interfere with or impede the operations of said Canal, nor obstruct the free use of the public road belonging to and running near and parallel with the towpath of said Canal: *Provided,* That the Legislature may at any time order or direct said railway to be taken up and removed, and that no claim for damages shall be made by the said

Chippewa Portage Company against the State; in consequence of withdrawing or changing this permission, or of ordering or directing, said railway to be taken up or removed.

**This resolution shall take effect immediately.**

**Approved February 12, 1855.**

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[ No. 23. ]

**JOINT RESOLUTION** instructing the Attorney General to institute legal proceedings in behalf of the State, respecting certain State Building Lands.

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Attorney General of this State be and he is hereby instructed to institute the necessary proceedings to procure for this State the possession and benefit of lots one, three and four of fractional section number twenty-five, (25,) in town seven (7) north, of range twelve (12) west, in the city of Grand Rapids, in the county of Kent, (as State building lands,) in case of the failure of amicable arrangement (in these premises) with the party or parties claiming adversely: *Provided*, Upon examination, the said Attorney General shall deem the title of the State to be valid in law or equity.*

**Approved February 12, 1855.**

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[ No. 24. ]

**JOINT RESOLUTION** authorizing the Commissioner of the State Land Office to issue a new certificate of certain Normal School Lands.

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized to issue a new certificate to Newell Avery, for the following described Normal School Lands, to-wit: the north-east quarter of section eight, township seven north, range fourteen east, upon surrender of the old certificate and payment of twelve hundred and twenty dollars in addition to the amount already paid, if, in the opinion of the Commissioner, the interest of the State will be promoted thereby, and the just rights of the purchaser require the same.*

**Approved February 12, 1855.**

[ No. 25. ]

JOINT RESOLUTIONS in relation to the renewal or extension of certain Patents.

*Resolved by the Senate and House of Representatives of the State of Michigan, That* our Senators and Representatives in Congress, be and they are hereby requested to use all honorable means to prevent the renewal or extension, by Congress, of the Patents formerly granted to Cyrus H. McCormick and Obid Hussey, for reaping and mowing machines.

*Resolved, That*, in our opinion, such renewal or extension of said Patents is not necessary to secure a just compensation or remuneration to said patentees; and that such renewal or extension would operate against the agricultural interests of the Western States, and the United States generally.

*Resolved, That* the Governor be requested to forward to each of our Senators and Representatives in Congress, a copy of these resolutions.

Approved February 12, 1855.

[ No. 26. ]

JOINT RESOLUTION relative to the claim of Andrew Harvie.

*Resolved by the Senate and House of Representatives of the State of Michigan, That* the Board of State Auditors be and are hereby authorized to examine, adjust and allow the claim of Andrew Harvie, for service and expenses in procuring and preparing the copper block for the Washington monument, in behalf of the State of Michigan.

Approved February 12, 1855.

[ No. 27. ]

JOINT RESOLUTION to authorize School District number seven, in the township of Tecumseh, to loan money.

*Resolved by the Senate and House of Representatives of the State of Michigan, That* it shall be lawful for the legally constituted officers of the union school district number seven, in Tecumseh, to borrow on

the faith and credit of said district, any sum of money not exceeding ten thousand dollars, for a term not exceeding ten years, at a rate of interest not exceeding seven per cent., and to execute their bonds therefor, under the seal of said district, or otherwise, and the signatures of said officers. That for the purpose of determining whether said loan shall or shall not be made, the electors of said district may, at an election to be held in said district on the first Monday of May next, vote thereon by ballot; and every ballot in favor of said loan shall have written or printed thereon the word "Loan," and every ballot against said loan shall have written or printed thereon the words "No loan." Notice of the time and place, and purpose of such meeting shall be given as is provided for in calling annual school meetings in school districts, and said meeting shall be conducted in all respects as other school meetings. Said board shall be inspectors of said election, and shall make and file with the director of said district a certificate of the result of said election; and no such loan as aforesaid shall be made, unless it shall appear from such certificate that a majority of the lawful electors voting at such election shall have voted therefor. Said board shall provide for the payment of such loan in the same manner as is required for the payment of the contingent expenses of school districts. Said money so borrowed shall be expended in the building of a school house or houses in said districts, and for the purchase of a site for the same, and for no other purposes.

This joint resolution shall take effect immediately.

Approved February 12, 1855.

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[ No. 28. ]

JOINT RESOLUTION authorizing the Board of State Auditors to allow certain claims against the State.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized to allow and pay all bills against the State for supplies furnished the Legislature at the present session, upon the certificate of the committee on supplies of the respective Houses that such bills are correct.

This joint resolution shall take effect immediately.

Approved February 12, 1855.



## [ No. 29. ]

## JOINT RESOLUTION relative to new certificates for Primary School Lands.

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is authorized to issue to Jesse R. Treadwell a new certificate, in place of certificate number 880, issued for sale of the east half of the south-east quarter of section sixteen, in township seven south, of range one east; that said certificate require the payment of the balance of principal and interest unpaid upon said original certificate, as the same appear upon the books in the office of said Commissioner, in same manner, and when paid said land shall be conveyed in like manner.*

*This joint resolution shall take effect immediately.*

*Approved February 12, 1855.*

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## [ No. 30. ]

## JOINT RESOLUTION for the relief of Eliza Mariah and Joseph Dutcher.

*Resolved by the Senate and House of Representatives of the State of Michigan, That Eliza Mariah Dutcher, and Joseph Dutcher, junior, minors, be empowered to locate forty acres of land on any of the State lands subject to private entry; and the Commissioner of the State Land Office is hereby authorized and directed to issue a certificate to the said Eliza Mariah and Joseph Dutcher, juniors, and endorse thereon the principal and interest which they have paid into the State treasury for lands formerly located by them, and forfeited to the State.*

*This resolution shall take effect immediately.*

*Approved February 13, 1855.*

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## [ No. 31. ]

## JOINT RESOLUTION instructing the Board of State Auditors relative to cancelling the excess of interest account against Mackinac county.

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are here-*

by authorized and required to make a just and equitable settlement with Mackinac county, and cancel the excess of interest charged, over interest credited, since the year A. D. one thousand eight hundred and thirty-seven; and their determination thereon shall be filed [final] and they are hereby authorized to certify the amount found due said county to the Auditor General, who shall have said amount placed to the credit of said county.

Approved February 13, 1855.

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[ No. 32. ]

JOINT RESOLUTION for the relief of the heirs of Beaumont Clark.

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and is hereby directed to allow on and place to the credit of Melissa Clark, on her purchase of the south-west quarter of south-east quarter of section number nine, town eight north, range twelve west, whatever sum may have been paid on the east half of south-west quarter of said section, which last parcel was forfeited to the State in consequence of the decease of the said Beaumont Clark, the husband of the said Melissa Clark.*

This joint resolution shall take effect immediately.

Approved February 14, 1855.

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# APPENDIX:

CONTAINING THE

STATE TREASURER'S ANNUAL REPORTS

FOR THE YEARS 1853 & 1854.

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## APPENDIX.

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### ANNUAL REPORT of the State Treasurer.

STATE TREASURER'S OFFICE, }  
Lansing, Dec. 1, 1853. }

*To His Excellency, ANDREW PARSONS, acting Governor of the  
State of Michigan:*

SIR—In accordance with the requirements of law, I have the honor to submit the following statements, showing the condition of the several funds, for the fiscal year ending Nov. 30th, 1853:

The balance in the Treasury on that date was (\$375,773 68) three hundred and seventy-five thousand seven hundred and seventy-three dollars and sixty-eight cents.

By the terms of act No. 63, of 1853, it was made my duty to require of any bank, before making it a depository of the surplus funds belonging to the State, good and ample security, to be approved by the State Treasurer, Auditor General, and Secretary of State, for the safe keeping and reimbursement of said funds, when called for, and the payment of interest thereon, at the rate of not less than one per cent. per annum. The only banks or persons which proposed to file the security above required, were the Michigan Insurance Bank, and the Peninsular Bank of Detroit, and their proposition was to pay one per cent. only. As these were the only offers I received, or ever have received, I closed with them, and they have been the depositories of the surplus funds for the past year, at the rate of one per cent. per annum.

I have reason to suppose that a more favorable arrangement can be made for the ensuing year, and at a higher rate of interest. As the

law does not divest me of responsibility for the safe keeping of the public funds, I trust I shall not be censured for making their safety and security a principal object in my selection of depositories.

I also submit herewith the annual statements of the several banks in this State, at the time of my annual examination of them.

All of which is respectfully submitted.

B. C. WHITTEMORE,

*State Treasurer.*

*Treasurer of the State of Michigan in account with the State of Michigan.*

## DR.

1853.

Nov. 30.	To balance in Treasury, Nov. 30, 1852,.....	\$116,555	21
"	" receipts on account of General fund,.....	373,515	51
"	" " " Int. Imp. " .....	74,052	14
"	" " " Primary School fund,	107,417	20
"	" " " University fund,.....	34,984	44
"	" " " Pri. School Int. fund,	43,664	65
"	" " " University "	11,287	97
"	" " " State Building fund,-	2,651	21
"	" " " Asylum fund,.....	1,710	91
"	" " " Nor. School end. fund,	3,909	79
"	" " " " Int. fund,	1,319	04
"	" " " St. Jo. Val. R. R. Dep.	255	00
Total,.....		<u>\$772,223 07</u>	

## CR.

Nov. 30.	By am't paid out on acc't of General fund,....	\$205,838	12
"	" " Internal Improvement " ....	112,403	92
"	" " Primary School Int. " ....	54,517	06
"	" " University Interest " ....	15,105	45
"	" " Contingent " ....	214	00
"	" " Asylum " ....	1,993	49
"	" " Normal School End. " ....	1,479	57
"	" " " Int. " ....	3,731	38
"	" " Treasury Notes,.....	1	00
"	" " Swamp Land fund,.....	2	80
"	" " Sault Ste. Marie Canal fund,..	1,071	92
"	" " Mich. Southern R. R. deposits,	15	00
"	" " Mich. Central "	80	68
"	" balance in Treasury, Nov. 30, 1853,.....	375,778	68
Total,.....		<u>\$772,223 07</u>	

*Ledger Balances, November 30, 1853.*

## DR.

1853.

Nov. 30.	Cash,.....	\$375,773 68
"	Internal Improvement fund,.....	378,675 20
"	Swamp Land fund,.....	655 30
"	Sault Ste. Marie Canal fund,.....	1,071 92
"	State Building fund,.....	697 07
Total,	.....	<u>\$756,873 17</u>

## CR.

Nov. 30.	General fund,.....	\$255,044 94
"	Primary School fund,.....	378,028 77
"	Primary School interest fund,....	21,292 35
"	University fund,.....	73,504 46
"	University interest fund,.....	5,791 58
"	Contingent fund,.....	786 00
"	Asylum fund,.....	12,716 22
"	Normal School fund,.....	2,706 81
"	Normal School interest fund,.....	3,380 91
"	Treasury Notes,.....	795 00
"	Mich. Central R. R. deposits,.....	2,214 41
"	Mich. Southern R. R. deposits,.....	356 72
"	St. Jo. Valley R. R. deposits,.....	255 00
Total,	.....	<u>\$756,873 17</u>



# APPENDIX.

505

## GENERAL FUND.

### DR.

1853.

Nov. 30. To warrants paid during fiscal year,.....	\$205,833 12
"        amount transferred to University Int. Fund;	8,651 79
"                Internal Imp.        "	75,000 00
"                Contingent          "	3,000 00
"                Nor. Sch'l Int.      "	5,012 72
"                Primary School      "	21,582 63
"                Asylum             "	13,000 00
"        balance Nov. 30, 1853,.....	255,044 94
Total, .....	<u>\$587,075 20</u>

### CR.

Nov. 30. By balance Nov. 30, 1852,.....	\$201,687 08
"        receipts during fiscal year,.....	373,515 51
"        amount transferred from contingent fund,...	11,872 61
Total, .....	<u>\$587,075 20</u>

## INTERNAL IMPROVEMENT FUND.

### DR.

1853.

Nov. 30. To balance Nov. 30, 1852,.....	\$416,223 42
"        warrants paid during fiscal year,.....	112,403 92
Total, .....	<u>\$528,627 34</u>

### CR.

Nov. 30. By receipts during fiscal year,.....	\$74,952 14
"        amount transferred from general fund,.....	75,000 00
"        balance Nov. 30, 1853,.....	378,675 20
Total, .....	<u>\$528,627 34</u>

## APPENDIX.

## PRIMARY SCHOOL FUND.

## DR.

1853.	
Nov. 30. To balance Nov. 30, 1853, .....	\$378,028 77
Total, .....	<u>\$378,028 77</u>

## CR.

Nov. 30. By balance Nov. 30, 1852, .....	\$270,611 57
"    receipts during fiscal year, .....	107,417 20
Total, .....	<u>\$378,028 77</u>

## UNIVERSITY FUND.

## DR.

1853.	
Nov. 30. To balance Nov. 30, 1853, .....	\$73,504 46
Total, .....	<u>\$73,504 46</u>

## CR.

Nov. 30. By balance Nov. 30, 1852, .....	\$38,520 02
"    receipts during fiscal year, .....	34,984 44
Total, .....	<u>\$73,504 46</u>

## ASYLUM FUND.

## DR.

1853.	
Nov. 30. To balance Nov. 30, 1852, .....	\$1 20
"    warrants paid during fiscal year, .....	1,993 49
"    balance Nov. 30, 1853, .....	12,716 22
Total, .....	<u>\$14,710 91</u>

## CR.

Nov. 30. By amount receipts during fiscal year, .....	\$1,710 91
"    "    transferred from general fund, .....	13,000 00
Total, .....	<u>\$14,710 91</u>

# APPENDIX.

507.

## NORMAL SCHOOL ENDOWMENT FUND.

### DR.

1853.	
Nov. 30. To warrants paid during fiscal year,.....	\$1,479 57
"    "    balance Nov. 30, 1853,.....	2,706 81
Total.....	<u>\$4,186 38</u>

### CR.

Nov. 30. By balance Nov. 30, 1852,.....	\$276 59
"    amount transferred from Nor. School Int. fund, 2,224 70	
"    receipts during fiscal year,.....	1,685 09
Total,.....	<u>\$4,186 38</u>

## NORMAL SCHOOL INTEREST FUND.

### DR.

1853.	
Nov. 30. To warrants paid during fiscal year,.....	\$1,506 68
"    amount transferred to Nor. School End. fund, 2,224 70	
"    balance Nov. 30, 1853,.....	3,880 91
Total,.....	<u>\$7,112 29</u>

### CR.

Nov. 30. By balance Nov. 30, 1852,.....	\$780 53
"    receipts during fiscal year,.....	1,319 04
"    amount transferred from General fund,.....	5,012 72
Total,.....	<u>\$7,112 29</u>

## MICHIGAN SOUTHERN RAILROAD COMPANY DEPOSITS.

### DR.

1853.	
Nov. 30. To warrants paid during fiscal year,.....	\$15 00
"    balance Nov. 30, 1853,.....	356 72
Total,.....	<u>\$371 72</u>

## APPENDIX.

## CR.

Nov. 30. By balance Nov. 30, 1852,.....	\$371 72
Total,.....	<u>\$371 72</u>

## SWAMP LAND FUND.

## DR.

1853.

Nov. 30. To balance Nov. 30, 1852,.....	\$652 51
"    warrants paid during the fiscal year,.....	2 80
Total,.....	<u>\$655 30</u>

## CR.

Nov. 30. By balance Nov. 30, 1853,.....	\$655 30
Total,.....	<u>\$655 30</u>

## PRIMARY SCHOOL INTEREST FUND.

## DR.

1853.

Nov. 30. To warrants paid during fiscal year,.....	\$54,517 06,
"    balance Nov. 30, 1853,.....	21,292 35
Total,.....	<u>\$75,809 41</u>

## CR.

Nov. 30. By balance Nov. 30, 1852,.....	\$10,612 13
"    receipts during fiscal year,.....	43,664 65
"    amount transferred from General fund,.....	21,532 63
Total,.....	<u>\$75,809 41</u>

# APPENDIX.

509

## UNIVERSITY INTEREST FUND.

### DR.

1853.

Nov. 30. To warrants paid during fiscal year,.....	\$15,105 45
“ balance Nov. 30, 1853,.....	5,791 58
Total, .....	<u>\$20,897 03</u>

### CR.

Nov. 30. By balance Nov. 30, 1852,.....	\$957 27
“ receipts during fiscal year,.....	11,287 97
“ amount transferred from general fund,.....	8,651 79
Total, .....	<u>\$20,897 03</u>

## CONTINGENT FUND.

### DR.

1853.

Nov. 30. To warrants paid during fiscal year,.....	\$214 00
“ amount transferred to general fund per joint resolution, No. 15, 1853,.....	11,872 61
“ balance Nov. 30, 1853,.....	786 00
Total, .....	<u>\$12,872 61</u>

### CR.

Nov. 30. By balance Nov. 30, 1852,.....	\$9,872 61
“ transferred from general fund,.....	3,000 00
Total, .....	<u>\$12,872 61</u>

## MICHIGAN CENTRAL RAILROAD COMPANY DEPOSITS.

### DR.

1853.

Nov. 30. To warrants paid during fiscal year,.....	\$80 86
“ balance Nov. 30, 1853,.....	2,214 41
Total, .....	<u>\$2,295 09</u>

## APPENDIX.

## \* CR.

Nov. 30. By balance Nov. 30, 1852, .....	\$2,295 09
Total, .....	<u>\$2,295 09</u>

## STATE BUILDING FUND.

## DR.

1853.

Nov. 30. To balance Nov. 30, 1852, .....	\$3,348 28
Total, .....	<u>\$3,348 28</u>

## CR.

Nov. 30. By receipts during fiscal year, .....	\$2,651 21
“ balance Nov. 30, 1853, .....	697 07
Total, .....	<u>\$3,348 28</u>

## ST. JOSEPH VALLEY RAILROAD COMPANY DEPOSITS.

## DR.

1853.

Nov. 30. To balance Nov. 30, 1853, .....	\$255 00
Total, .....	<u>\$255 00</u>

## CR.

Nov. 30. By receipts during fiscal year, .....	\$255 00
Total, .....	<u>\$255 00</u>

## SAULT STE. MARIE CANAL FUND.

## DR.

1853.

Nov. 30. To warrants paid during fiscal year, .....	\$1,071 92
Total, .....	<u>\$1,071 92</u>

## CR.

Nov. 30. By balance Nov. 30, 1853,.....	\$1,071 92
Total,.....	<u>\$1,071 92</u>

STATEMENT showing the condition of all the Banks in this State,  
at the time the following Reports were made.

*Statement of the condition of the Bank of Macomb County, Monday,  
January 2d, 1854.*

## RESOURCES.

Due from Banks and Bankers,.....	\$226,583 28
Foreign Bills of Exchange,.....	254,182 76
Domestic Bills,.....	44,869 25
Cash—Coin,.....	\$76,331 23
“ Notes of other Banks,.....	23,137 25
“ Cash Items,.....	1,104 85
“ Checks on other Banks,.....	5,000 00
	<u>105,573 33</u>
Real Estate,.....	5,450 00
Bank Furniture, Plates, &c.,.....	1,969 46
Personal Property,.....	700 00
Expenses,.....	6,126 92
Total,.....	<u>\$644,955 00</u>

## LIABILITIES.

Capital Stock,.....	\$250,000 00
Due Depositors,.....	10,044 00
Notes in Circulation,.....	384,911 00
Total,.....	<u>\$644 955 00</u>

James G. Tucker, Cashier of the Bank of Macomb County, being  
duly sworn, says that the above statement of the condition of said Bank  
is true, to the best of his knowledge and belief.

J. G. TUCKER,  
Cashier.

Subscribed and sworn this third day of January, 1854, before me,

**JNO. STOCKTON**

*Justice of the Peace.*

*Statement showing the condition of the Government Stock Bank, on the morning of Dec. 30, 1853.*

**RESOURCES.**

*United State stocks deposited with State Treasurer as security for circulating notes,.....	\$130,800 00
Loans and discounts,.....	87,385 75
Due from banks and bankers on demand,.....	47,177 25
Cash on hand, viz:	
" Gold and silver coin,.....	\$25,006 12
" Bank notes,.....	11,009 00
" Checks and drafts,.....	1,427 52
	<hr/>
	37,442 64
Michigan State Bonds,.....	1,000 00
Michigan University warrants,.....	3,766 65
Contingent account,.....	1,000 00
Expense account,.....	2,445 38
Plates and bills,.....	1,625 00
Furniture and fixtures,.....	493 47
Stock in Metropolitan Bank,.....	110 75
Total,.....	<hr/> <hr/> \$313,246 89

**LIABILITIES.**

Capital Stock,.....	\$100,000 00
Countersigned circulating notes received from State Treasurer in circulation,.....	130,800 00
Due to banks and bankers on demand,.....	27,000 00
Due depositors on demand,.....	46,116 03
Profits,.....	9,330 86
Total,.....	<hr/> <hr/> \$313,246 89

\*The amount of stocks deposited by this bank is \$190,000. 9 per cent. premium is allowed the bank on them, and for which they have circulating notes. The bank is allowed by its charter to have circulating notes corresponding to the market value of the stocks in New York city.



*State of Michigan, Washtenaw Co., ss.*

Edwin R. Tremain, President of the Government Stock Bank, being duly sworn, doth depose and say, that the foregoing is a just and true statement of the condition of said bank, on the morning of December 30, 1853, according to the best of his knowledge and belief.

E. R. TREMAIN.

Sworn to and subscribed before me, this 31st day of December, A. D. 1853.

B. C. WHITTEMORE,

*State Treasurer.*

*Condition of the Michigan State Bank, December 30, 1853.*

Bills discounted,.....	\$357,991 01
State Bonds, value,.....	10,000 00
Mich. Cent. Railroad 8 $\frac{3}{4}$ ct. Bonds,.....	37,350 00
Ohio Junction, do .....	3,500 00
Real Estate, value,.....	6,000 00
Bonds and Mortgages,.....	18,937 18
Office Furniture, Safes, &c.,.....	1,312 28
Cash—Coin, .....	\$104,841 82
“ Bank Notes and Checks,.....	21,742 00
“ Banks, .....	140,491 98
	<hr/> 267,075 80
Total, .....	<hr/> <u>\$702,166 27</u>
Capital Stock,.....	\$151,678 00
Deposits,.....	168,355 71
Circulation,.....	350,867 00
Banks and Bankers,.....	2,802 91
Surplus Profits,.....	28,462 65
Total, .....	<hr/> <u>\$702,166 27</u>

*State of Michigan, ss.*

Before me, B. C. Whittemore, Treasurer of the State of Michigan, personally came Alexander H. Adams, Cashier of the Michigan State

Bank, who, being duly sworn, deposeth and saith, that the above statement is true, according to the best of his knowledge and belief.

A. H. ADAMS,

*Cashier.*

Subscribed and sworn to, this 30th day of December, 1853.

B. C. WHITEMORE,

*State Treasurer.*

*Statement of the condition of the Farmers' and Mechanics' Bank  
of Michigan, December 31st, 1853.*

RESOURCES.

Bills discounted, and other loans, .....	\$342,183 43
Real Estate, .....	129,720 85
Bonds and Mortgages, .....	41,846 00
Land Contracts, .....	8,040 18
Bills of Exchange, .....	54,138 79
Judgments, .....	16,283 04
Stocks, .....	16,300 00
Personal Property, .....	3,571 75
Suspended Claims, .....	15,494 14
State Stocks, .....	102,119 38
Due from Banks and Agents, .....	21,304 18
"    City of Detroit, .....	1,605 00
"    sundry individuals, .....	15,491 76
Bank Notes and Checks, .....	1,300 73
Items counted as Cash, .....	1,548 69
Coin, .....	5,093 50
Total, .....	<u>\$775,835 97</u>

LIABILITIES.

Loans on time, .....	\$178,783 42
Due stockholders for advancing 65 per ct., .....	181,790 62
Special deposits applicable to debts due the Bank, .....	84,934 74
Due Banks, .....	2,751 34
"    for collections, .....	1,309 06
"    depositors, .....	12,376 39

# APPENDIX.

515

Unpaid dividends,.....	\$295 00
"    certificates,.....	5,465 36
Circulation,.....	74,270 50
Suspended accounts,.....	416 86
Excess of resources,.....	233,442 68
Total,.....	<u>\$775,835 97</u>

*State of Michigan, Wayne county, ss:*

J. C. W. Seymour, Cashier of the Farmers' and Mechanics' Bank of Michigan, being duly sworn, deposes and says, that the above is a statement of the condition of said Bank on the 31st day of December, 1853, as appears from the books of said Bank.

JNO. S. VAN ALSTYNE,  
*Notary Public, Wayne Co., Mich.*

*Statement of the condition of the Peninsular Bank, Dec. 31st, 1853.*

## RESOURCES.

Due from banks and bankers,.....	\$100,313 93
Bills in transit,.....	350 00
	<u>\$100,663 93</u>
Cash—Gold and silver,.....	31,795 03
"    Notes of other banks and checks,..	22,824 00
"    Cash items,.....	1,630 18
	<u>56,249 21</u>
Foreign bills of exchange,.....	293,069 01
Domestic bills,.....	180,669 98
Due from others, not included in the above,.....	3,414 52
Michigan bonds and warrants and U. S. land warrants,..	17,855 65
State bonds deposited with State Treasurer,.....	128,068 19
Expense account,.....	1,328 00
Personal property,.....	4,407 14
Contingent account,.....	3,522 58
Total,.....	<u>\$789,248 21</u>

## LIABILITIES.

Due depositors, .....	\$434,702 35
Due other banks, .....	7,823 03
Circulation, .....	\$127,900 00
Less this amount on hand, .....	3,749 00
	<hr/> 124,051 00
Profit and loss, .....	21,421 83
Capital stock, .....	201,250 00
	<hr/>
Total, .....	<u>\$789,248 21</u>

*State of Michigan, Wayne county, ss:*

Henry H. Brown, being duly sworn, saith the above statement is true according to the best of his knowledge and belief.

H. H. BROWN,  
Cashier.

Sworn and subscribed before me, this 31st day of December, A. D. 1853.

B. C. WHITTEMORE,  
State Treasurer.

*Statement of the Michigan Insurance Company Bank, Detroit, Jan. 1, 1854.*

## RESOURCES.

Cash—Gold coin, .....	\$101,112 83
“ Silver “ .....	13,495 20
“ Notes of solvent banks, .....	28,929 00
“ Checks on banks and bankers, ....	20,030 63
	<hr/> \$163,567 66
Bills discounted, .....	508,756 63
Bonds and mortgages, .....	17,428 98
Real estate, .....	3,828 40
Due from banks and bankers, .....	180,168 02
Bank and railroad stocks, .....	29,706 25
Michigan State Stocks in hands of State Treasurer, ....	170,693 60
Office furniture, .....	2,556 15
	<hr/>
Total, .....	<u>\$1,071,695 69</u>

## LIABILITIES.

Capital Stock, .....	\$200,010 00
Profits, .....	51,758 92
Office notes, individual liability, .....	\$110,992 00
Stock notes, .....	159,090 00
	<hr/>
	\$279,082 00
Less office notes on hand, .....	72,992 00
	<hr/>
	\$206,090 00
Due banks and bankers, .....	40,811 46
Due Board of Water Commissioners, city of Detroit, ....	174,771 58
Due depositors, .....	398,253 73
	<hr/>
Total, .....	<u>\$1,071,695 69</u>

*State of Michigan, Wayne county, ss:*

Henry K. Sanger, being duly sworn, says the above statement exhibits the true condition of the Michigan Insurance Company Bank, according to the best of his knowledge and belief.

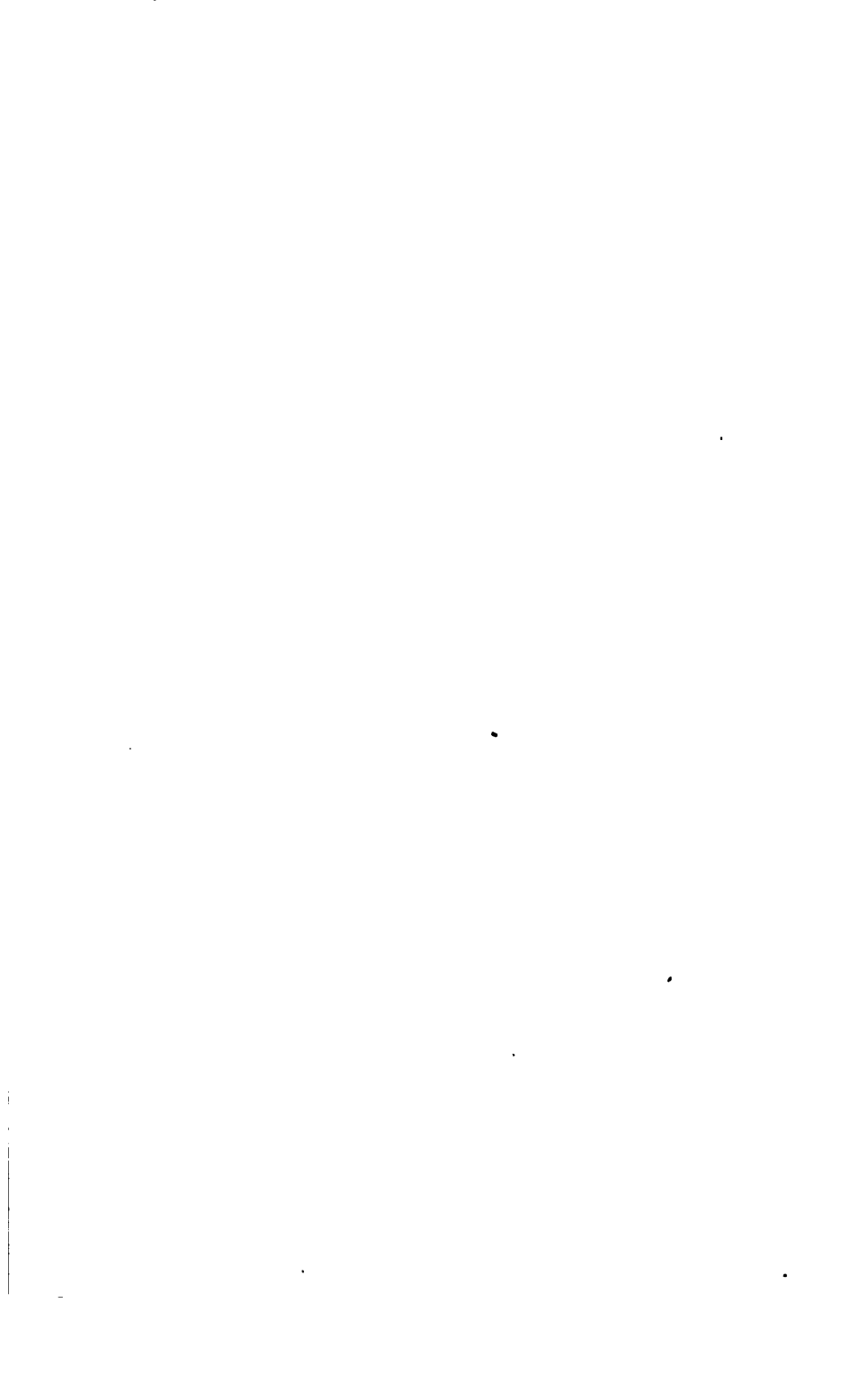
H. K. SANGER,

*Cashier.*

Sworn and subscribed before me, this 2d day of January, 1854.

W. L. WHIPPLE,

*Notary Public, Wayne Co., Mich.*



## ANNUAL REPORT of the State Treasurer.

STATE TREASURER'S OFFICE, }  
Lansing, Dec. 30, 1854. }

*To the Legislature of the State of Michigan:*

The undersigned has the honor to submit the following, his Annual Report for the fiscal year ending Nov. 30, 1854, containing statements showing the condition of the several funds:

The balance in the Treasury on that date was five hundred and fifty-three thousand four dollars and eight cents. During the fiscal year just closed all demands on the Treasury have been promptly met, and a large surplus has accumulated with the public depositories, for which the State has this year received interest at the rate of 3 per cent. per annum.

I submit, also, herewith, the Annual Statements of the condition of the several Banks in this State, at the time of my Annual Examination in December.

In regard to the Government Stock Bank, at Ann Arbor, I have to report that, something like a year since, the Bank demanded of me a further issue of countersigned notes, on the securities then on deposit in this office, which consisted of U. S. Stocks, and upon which I had issued notes at par, or 100 cents on the dollar. The Bank claimed a right to notes to the amount of the market value of the securities, which at that time was 109, which I refused, but afterwards, on their filing in my office the opinion of the Attorney General, that they were entitled by law to them, I issued the amount demanded.

On the first day of December last, the Government Stock Bank of Ann Arbor, having refused payment, on demand, at its office, of \$39,300 of its notes, the holder thereof, on the 2d day of December, made and filed in this office, his affidavit of the fact, pursuant to the 7th section of the charter of that institution; by that section, the State Treasurer is, in such case, required to "give public notice that the notes of

said Bank will be redeemed at his office;" and he is authorized and required thereby "to sell at public auction or private sale, within twenty days, so much of any stock deposited with him, as shall be necessary to redeem any notes of said bank, and apply the proceeds of said stock in the redemption of such notes."

The undersigned, deeming that this section authorized and required the Treasurer to proceed at once in such case, to the redemption of "such notes" as might be specified in the affidavit, and not doubting that the stocks deposited in the Treasury, for the redemption of all the notes of the bank, were, at the rates at which they were held on deposit, fully sufficient to redeem all its issues at par, or with such small discount only, as the present depreciation in the value of said stocks might cause, proceeded to make an arrangement with the holder of the notes referred to, by which, in redemption thereof, he delivered to the holder so much of the stocks deposited, as at the rate of 109 would fully redeem the bills specified in the affidavit.

The undersigned, on the 7th day of December, proceeded to advertise the remaining stocks of said bank, amounting to \$37,500, for sale, as required by the 7th section of the charter of the company, and notified all holders of notes of the bank that its notes would be redeemed at his office, out of the proceeds, pursuant to the 7th and 12th sections of its charter. These stocks were sold at private sale to the Peninsular Bank of Detroit, and realize 106 on the dollar, and the proceeds are retained in the Treasury, for the purposes contemplated by law.

At the earliest time practicable the undersigned, in concert with the Secretary of State, acting under the 12th section of its charter, declared the bank insolvent, and appointed Addison Mandell, Esq., of Detroit, receiver, &c., of all its assets, who gave approved bond, as required by law, and has proceeded to the discharge of his duties under that appointment.

The undersigned begs leave to state, that at the time of redeeming the notes of the bank, by the exchange of stock, as above stated, he acted in full belief that the holder thereof, by the true intent and meaning of the 7th section of the charter, was entitled to receive the stocks at the rate at which they had been received by the Treasurer; and therefore, that an arrangement by which so much of the stock securities of the bank as were necessary for that purpose, should be received by



him at the full value for which they were deposited, (which was 109,) would not only discharge his legal claim against the bank, as fixed by law, but would be advantageous to the rest of the bill-holders, inasmuch as the stock was then selling at about 102 or 103.

Since the proceedings above related, the undersigned has been informed and advised, that in the opinion of highly respectable counsel, who have been consulted in the matter, the 7th and 12th sections of the charter of the bank do not admit of the construction given them by the undersigned, giving preference to the holder first presenting bills of the bank for redemption at the State Treasury; but that such holder must come in and receive such dividend or proportion only as shall arise upon the full and final liquidation of the affairs of the bank by the Receiver. The undersigned begs leave to state that in the proceeding above mentioned, he acted according to his best knowledge and belief of the true intent and meaning of the law, in perfect good faith, and supposing that he was merely discharging the duties incumbent upon him by the charter of the bank, in such way as would best subserve the interests of all the creditors of the institution.

He regrets to be compelled in candor to say, that rumors are current and generally credited, that the bank referred to has made some considerable over-issue of bills, beyond the amount of stock deposited in the Treasury. The undersigned is at present unable to say whether the rumors are founded on fact; but he feels it his duty to himself, to say here, that if such shall be found to be the case, it has been effected by fraud on the part of some person or persons, not connected with this office, unknown and unsuspected by him; and that in all his action in the issue and registry of bills, and in the redemption thereof as above stated, the undersigned is conscious of no errors, other than such as may have arisen from a misunderstanding of the law; and that, if any such over-issue has been made, it has been done without his knowledge or assent, through imposition practiced upon him or his Deputy, by the agents of the bank. He therefore begs leave to assure the Legislature, that it is his earnest desire that a full investigation of all the facts and circumstances, be ordered by your honorable body, as early in the session as practicable, in the fullest confidence that however unfortunate his ac-

tion may be found to have been, it will clearly appear to have been had in perfect good faith towards all concerned.

All of which is respectfully submitted.

B. C. WHITEMORE,  
*State Treasurer.*

*Treasurer of the State of Michigan in Account with the State of Michigan.*

DR.

1854.

Nov. 30.	To balance in Treasury, Nov. 30, 1853,-----	\$375,773 68
"	" receipts on account of General Fund,-----	269,737 04
"	" " " " " Int. Impt. Fund,---	65,761 70
"	" " " " " Prim'y School Fund,	116,991 85
"	" " " " " University "	31,384 79
"	" " " " " Pri. School Int. "	44,364 84
"	" " " " " University Int. "	13,740 88
"	" " " " " State Building "	8,263 28
"	" " " " " Asylum, "	6,487 01
"	" " " " " Nor. Sch. Endow."	4,591 37
"	" " " " " " " " Int. "	1,783 79
"	" " " " " Swamp Land "	47,094 13
"	" " " " " " " Int. "	198 41
"	" " " " " Mich. S. R. R. Dep.,	200 00
"	" " " " " Oak. & Ot. R. R. "	100 88
Total, -----		<u><u>\$986,473 65</u></u>

CR.

1854.

Nov. 30.	By amt paid out on acc't of General Fund,....	\$200,573 06
"	" " " " " Int. Impt. Fund,...	92,308 06
"	" " " " " Primary Sch'l Fund,	495 58
"	" " " " " Pri. Sch. Int. "	74,028 66
"	" " " " " University Int. "	28,222 09
"	" " " " " Contingent "	393 65

## APPENDIX.

523

Nov. 30.	By am't paid out on acc't of State Building Fund,	\$7 70
"	" " " " " Asylum "	25,631 54
"	" " " " " Nor.Sc. En. Int. "	8,132 56
"	" " " " " Swamp Land "	535 07
"	" " " " " Swamp Land Int."	2,574 60
"	" " " " " Treasury Notes "	11 00
"	" " " " " Mich. C. R. R. dep.,	66 00
"	" " " " " Mich. S. R. R. "	350 00
"	" " " " " St. Jo. Val. R. R. "	140 00
"	By balance in Treasury,	553,004 08
Total,		<u>\$986,473 65</u>

*Ledger Balances November 30, 1854.*

DR.

1854.

Nov. 30.	Cash,	\$553,004 08
"	Internal Improvement Fund,	368,287 53
"	Asylum Fund,	6,428 31
"	Normal School Interest Fund,	445 79
"	Swamp Land Interest Fund,	2,376 19
"	Sault Ste Marie Canal Fund,	1,071 92
Total,		<u>\$931,613 82</u>

CR.

Nov. 30.	General Fund,	\$241,179 23
"	Primary School Fund,	494,525 04
"	" Interest Fund,	22,262 87
"	University Fund,	104,889 25
"	" Interest Fund,	4,249 62
"	State Building Fund,	7,558 51
"	Normal School Fund,	7,298 18
"	Swamp Land Fund,	45,903 76
"	Contingent Fund,	392 35
"	Treasury Notes,	784 00

## APPENDIX.

Nov. 30. Michigan Central Railroad Deposits,.....	\$2,148 41
" " Southern " .....	206 72
" St. Joseph Valley " .....	115 00
" Oakland & Ottawa " .....	100 88
Total, .....	<u>\$931,613 82</u>

## GENERAL FUND.

## DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....	\$200,573 06
" amount transferred to University Int. Fund, .....	12,939 25
" " " Primary Sch'l Int. " .....	30,634 34
" " " Normal " " " .....	2,522 07
" " " Internal Impt. " .....	36,934 03
" balance Nov. 30, 1854,.....	241,179 23
Total, .....	<u>\$524,781 98</u>

## CR.

Nov. 30. By balance Nov. 30, 1853,.....	\$255,044 94
" receipts during fiscal year, .....	269,737 04
Total, .....	<u>\$524,781 98</u>

## INTERNAL IMPROVEMENT FUND.

## DR.

1854.

Nov. 30. To balance Nov. 30, 1853,.....	\$378,675 20
" warrants paid during fiscal year,.....	92,308 06
Total, .....	<u>\$470,983 26</u>

## CR.

Nov. 30. By receipts during fiscal year,.....	\$65,761 70
" amount transferred from General Fund,...	36,934 03
" balance Nov. 30, 1854,.....	368,287 53
Total, .....	<u>\$470,983 26</u>

# APPENDIX.

525

## PRIMARY SCHOOL FUND.

### DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....	\$495 58
"        balance, Nov. 30, 1854,.....	494,525 04
Total,.....	<u>\$495,020 62</u>

### CR.

Nov. 30. By balance Nov. 30, 1853,.....	\$378,028 77
"        receipts during fiscal year,.....	116,991 85
Total,.....	<u>\$495,020 62</u>

## UNIVERSITY FUND.

### DR.

1854.

Nov. 30. To balance Nov. 30, 1854,.....	\$104,889 25
Total,.....	<u>\$104,889 25</u>

### CR.

Nov. 30. By balance Nov. 30, 1853,.....	\$73,504 46
"        receipts during fiscal year,.....	31,384 79
Total,.....	<u>\$104,889 25</u>

## PRIMARY SCHOOL INTEREST FUND.

### DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....	\$74,028 66
"        balance Nov. 30, 1854,.....	22,262 87
Total,.....	<u>\$96,291 53</u>

## CR.

Nov. 30. By balance Nov. 30, 1853,.....	\$21,292 39
“ receipts during fiscal year,.....	44,364 84
“ amount transferred from General fund,.....	30,634 34
Total,.....	<u><u>\$96,291 53</u></u>

## UNIVERSITY INTEREST FUND.

## DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....	\$28,222 08
“ balance Nov. 30, 1854,.....	4,249 62
Total,.....	<u><u>\$32,471 71</u></u>

## CR.

1854.

Nov. 30. By balance Nov. 30, 1853,.....	\$5,791 58
“ receipts during fiscal year,.....	13,740 87
“ amount transferred from General fund,.....	12,939 25
Total,.....	<u><u>\$32,471 71</u></u>

## STATE BUILDING FUND.

## DR.

1854.

Nov. 30. To balance Nov. 30, 1853,.....	\$697 07
“ warrants paid during fiscal year,.....	7 70
“ balance Nov. 30, 1854,.....	7,538 51
Total,.....	<u><u>\$8,263 28</u></u>

## CR.

1854.

Nov. 30. By receipts during fiscal year,.....	\$8,263 28
Total,.....	<u><u>\$8,263 28</u></u>

# APPENDIX.

527

## ASYLUM FUND.

### DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....	\$25,631 54
Total, .....	<u>\$25,631 54</u>

### CR.

1854.

Nov. 30. By balance Nov. 30, 1853,.....	\$12,716 22
“ receipts during fiscal year,.....	6,487 01
“ balance Nov. 30, 1854,.....	6,428 31
Total, .....	<u>\$25,631 54</u>

## NORMAL SCHOOL ENDOWMENT FUND.

### DR.

1854.

Nov. 30. To balance Nov. 30, 1854,.....	\$7,298 18
Total, .....	<u>\$7,298 18</u>

### CR.

Nov. 30. By balance Nov. 30, 1853,.....	\$2,706 81
“ receipts during fiscal year,.....	4,591 37
Total, .....	<u>\$7,298 18</u>

## NORMAL SCHOOL ENDOWMENT INTEREST FUND.

### DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....	\$8,132 56
Total, .....	<u>\$8,132 56</u>

## APPENDIX.

## CR.

Nov. 30. By balance Nov. 30, 1853, .....	\$3,380 91
“ amount transferred from General Fund, .....	2,522 07
“ receipts during fiscal year, .....	1,783 79
“ balance Nov. 30, 1854, .....	445 79
Total, .....	<u>\$8,132 56</u>

## SWAMP LAND FUND.

## DR.

1854.	
Nov. 30. To balance Nov. 30, 1853, .....	\$655 30
“ warrants paid during fiscal year, .....	535 07
“ balance Nov. 30, 1854, .....	45,903 76
Total, .....	<u>\$47,094 13</u>

## CR.

Nov. 30. By receipts during fiscal year, .....	\$47,094 13
Total, .....	<u>\$47,094 13</u>

## SWAMP LAND INTEREST FUND.

## DR.

1854.	
Nov. 30. To warrants paid during fiscal year, .....	\$2,574 60
Total, .....	<u>\$2,574 60</u>

## CR.

1854.	
Nov. 30. By receipts during fiscal year, .....	\$198 41
“ balance Nov. 30, 1854, .....	2,376 19
Total, .....	<u>\$2,574 60</u>



# APPENDIX.

529

## CONTINGENT FUND.

### DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....	\$393 25
"        balance Nov. 30, 1854, .....	392 35
Total,.....	<u>\$786 00</u>

### CR.

1854.

Nov. 30. By balance Nov. 30, 1853,.....	\$786 00
Total,.....	<u>\$786 00</u>

## TREASURY NOTES.

### DR.

1854.

Nov. 30. To this amount notes burned,.....	\$11 00
"        balance Nov. 30, 1854,.....	784 00
Total,.....	<u>\$795 00</u>

### CR.

1854.

Nov. 30. By balance Nov. 30, 1853,.....	\$795 00
Total,.....	<u>\$795 00</u>

## MICHIGAN CENTRAL R. R. DEPOSITS.

### DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....	\$66 00
"        balance Nov. 30, 1854,.....	2,148 41
Total,.....	<u>\$2,214 41</u>

## APPENDIX.

## CR.

1854.

Nov. 30. By balance Nov. 30, 1853,.....\$2,214 41

Total,.....\$2,214 41

## MICHIGAN SOUTHERN RAILROAD DEPOSITS.

## DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....\$350 00

" balance Nov. 30, 1854,.....206 72

Total,.....\$556 72

## CR.

1854.

Nov. 30. By balance Nov. 30, 1853,.....\$356 72

" receipts during fiscal year,.....200 00

Total,.....\$556 72

## ST. JOSEPH VALLEY RAILROAD DEPOSITS.

## DR.

1854.

Nov. 30. To warrants paid during fiscal year,.....\$140 00

" balance Nov. 30, 1854,.....115 00

Total,.....\$255 00

## CR.

1854.

Nov. 30. By balance Nov. 30, 1853,.....\$255 00

Total,.....\$255 00

## OAKLAND AND OTTAWA RAILROAD DEPOSITS.

## DR.

1854.

Nov. 30. To balance Nov. 30, 1854, .....	\$100 88
Total, .....	<u>\$100 88</u>

## CR.

1854.

Nov. 30. By receipts during fiscal year, .....	\$100 88
Total, .....	<u>\$100 88</u>

STATEMENT showing the condition of all the Banks in this State at the time the following Reports were made.

*Statement showing the condition of the Funds of the Farmers' and Mechanics' Bank of Michigan, on the 28th day of December, 1854.*

## RESOURCES.

Bills discounted and other loans, .....	\$362,129 48
Bills of exchange, .....	25,342 79
Real estate, .....	123,311 75
State stocks, (for security of circulating notes,) .....	102,119 38
Land contracts, .....	17,577 62
Bonds and mortgages, .....	22,152 17
Suspended claims, .....	15,494 14
Judgments, .....	16,283 04
Stocks, .....	16,300 00
Personal estate, .....	3,571 75
Due from banks and agents, .....	25,071 66
"    sundry individuals, .....	27,566 49
Bank notes and checks, .....	7,290 66
Coin, .....	7,323 73
Items counted as cash, .....	3,335 94
Total, .....	<u>\$774,870 30</u>

## LIABILITIES.

Loans on time, .....	\$173,530 07
Due stockholders for advances, .....	179,678 12
Special deposits applicable to pay'ts of debts due the bank, .....	87,741 67
Due banks and bankers, .....	13,594 38
" depositors, .....	9,106 96
Circulation, .....	76,394 00
Suspended accounts, .....	416 86
Unpaid dividends, .....	295 00
Unpaid certificates, .....	1,834 83
Collection, .....	3,575 94
Excess of resources, .....	228,702 77
Total, .....	<u>\$774,870 60</u>

*State of Michigan, county of Wayne, ss:*

J. C. W. Seymour, Cashier of the Farmers' and Mechanics' Bank of Michigan, being duly sworn, deposes and says, that the above is a statement of the condition of said Bank, on the 28th day of December, 1854, as appears from the books of said Bank.

J. C. W. SEYMOUR,

*Cashier.*

Subscribed and sworn before me this 29th day of December, 1854.

D. BETHUNE DUFFIELD,

*Notary Public, Wayne county, Mich.*

*Statement of the condition of the Michigan Insurance Company,  
December 27, 1854.*

## LIABILITIES.

Capital Stock, .....	\$200,010 00
Profits, .....	42,944 62
Circulating notes secured by individ'l liability, \$81,781 00	
"            "    State Stocks, ...	95,208 00
	<hr/>
	176,989 00
Less circulating notes on hand, .....	11,349 00
	<hr/>
	165,641 00

# APPENDIX.

533

Due Banks,.....	\$10,824 00
Deposits,.....	494,238 44
Total,.....	<u>\$913,658 06</u>

## RESOURCES.

Coin, .....	\$52,040 81
Notes of solvent banks,.....	55,452 00
Due from banks and bankers,.....	142,009 31
	<u>\$249,502 12</u>
State Stocks in the hands of the State Treasurer,.....	159,133 60
Stocks and Railroad Bonds, .....	23,967 00
Furniture,.....	3,206 15
Bills discounted,.....	457,120 91
Bonds and mortgages,.....	16,743 88
Real estate,.....	3,984 40
Total,.....	<u>\$913,658 06</u>

*State of Michigan, Wayne county, ss:*

Henry K. Sanger, Cashier of the Michigan Insurance Company, being sworn, says the above is a correct statement of the condition of the said Company, to the best of his knowledge and belief.

H. K. SANGER,

*Cashier.*

Sworn to and subscribed, before me, this 27th day of December, A. D. 1854.

SYLVESTER LARNED,

*Notary Public, Wayne county, Mich.*

*Statement of the Michigan State Bank, December, 23, 1854.*

Bills discounted,.....	\$207,223 05
State bonds,.....	10,000 00
Michigan Central Railroad 8 $\frac{3}{4}$ ct.,.....	36,750 00
Ohio Junction bonds, 7s.,.....	3,500 00
Stock of Michigan State Bank,.....	1,600 00
Real estate, present value,.....	3,220 00

Bonds and mortgages, .....	\$11,644 61
Office furniture and safes, &c., .....	1,314 28
Cash—Coin, .....	\$29,036 16
“ Bank notes, .....	15,027 00
“ Banks, .....	75,611 00
Checks on banks, .....	1,883 84
	<hr/> 121,558 00
Total, .....	<hr/> <hr/> \$396,809 94
Capital stock, .....	\$151,578 00
Deposits, .....	131,957 60
Circulation—old, .....	3,732 00
“ new, .....	75,492 00
Banks, .....	439 17
Surplus, .....	33,611 17
Total, .....	<hr/> <hr/> \$396,809 94

*State of Michigan, County of Wayne, ss.*

Alexander H. Adams, Cashier of the Michigan State Bank, being duly sworn, deposeth and saith, that the foregoing statement is just and true, according to the best of his knowledge and belief.

A. H. ADAMS,

*Cashier.*

Sworn to and subscribed, this 26th day of December, before me.

B. C. WHITTEMORE,

*State Treasurer.*

*Statement of the condition of the Peninsular Bank, Dec. 26, 1854.*

RESOURCES.

Due from banks and bankers, .....	\$142,924 06
Bills in transit, .....	649 33
	<hr/> \$143,573 38
Cash—Gold and silver, .....	47,105 39
“ Notes of other banks, .....	40,090 00
“ Cash items, .....	1,727 56
	<hr/> 88,922 94

# APPENDIX.

535

Foreign bills of exchange,.....	\$300,478 80
Domestic bills,.....	231,446 11
Due from others, not included in the above,.....	744 10
Michigan bonds and warrants,.....	9,384 04
State bonds, deposited with State Treasurer,.....	194,328 19
Expense account,.....	1,328 00
Personal property,.....	2,165 35
Bank fixtures,.....	2,424 82
Contingent account,.....	3,366 07
Real estate, banking house and lot,.....	12,520 40
State tax, overpaid,.....	209 00
Total, .....	<u>\$990,841 21</u>

## LIABILITIES.

Due depositors,.....	\$531,354 15
Due other banks,.....	65,152 94
Circulation,.....	\$163,250 00
Less this amount on hand,...	22,901 00
	<u>140,349 00</u>
Profit and loss,.....	43,235 12
Capital stock,.....	200,750 00
Due on real estate, on time,.....	10,000 00
	<u>\$990,841 21</u>

*State of Michigan, Wayne County, ss.*

H. H. Brown, Cashier of the Peninsular Bank, being duly sworn, deposeseth and says the above statement of the condition of said bank is true, according to the best of his knowledge and belief.

H. H. BROWN,

*Cashier.*

Sworn and subscribed before me, this 30th day of December, A. D. 1854.

B. C. WHITTEMORE,

*State Treasurer.*

*Condition of the Bank of Macomb County, Thursday morning,  
December 28th, 1854.*

## RESOURCES.

Bills discounted,.....	\$267,605 72
Due from banks and bankers,.....	4,403 69
"    other individuals,.....	9,133 35
Cash on hand, viz:	
Gold and silver,.....	\$7,619 74
Notes of other banks,.....	925 50
Cash items and checks,.....	1,100 79
	<hr/>
	9,646 03
Real estate,.....	3,000 00
Bank furniture, plates, and bills,.....	2,665 00
Expense account,.....	1,684 37
	<hr/>
Total,.....	<u>\$298,138 16</u>

## LIABILITIES.

Capital stock,.....	\$250,000 00
Circulation,.....	39,334 50
Due depositors,.....	2,190 76
Due banks and bankers,.....	5,588 88
Profit and loss,.....	1,024 02
	<hr/>
Total,.....	<u>\$298,138 16</u>

*State of Michigan, county of Macomb, ss:*

James G. Tucker, Cashier of the Bank of Macomb County, being duly sworn, deposes that the above statement of the condition of said Bank is true, to the best of his knowledge and belief.

J. G. TUCKER,

*Cashier.*

'Subscribed and sworn to before me, this 28th day of December, A. D. 1854.

FREDERICK HATCH,

*Justice of the Peace.*



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# APPENDIX:

CONTAINING

CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS,

RELATIVE TO

THE ERECTION OF NEW TOWNSHIPS.

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## OTTAWA COUNTY.

AN ACT to provide for the organization of certain townships in the county of Ottawa.

SECTION 1. *The Board of Supervisors of the county of Ottawa enact*, That township five north, of range fourteen west, be and the same is hereby set off from the township of Holland, in the county of Ottawa, and organized into a separate township by the name of Zeeland, and the first township meeting for the election of township officers shall be held on Monday, the fourteenth day of July, 1851, at the Church in the village of Zeeland, on section nineteen in said township, and that R. M. DeBruyn, Elias G. Young, and Johannes Opt'Holt, be and they are hereby appointed to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting; and that Elias G. Young, be and he is hereby appointed to post up notices according to law, of the time and place of such meeting, in township five north, of range fourteen west.

Sec. 2. That the township of Holland shall hold their next annual township meeting at the school house in the village of Holland, on section twenty-nine, in township five north, of range fifteen west; and that Henry D. Post, be and he is hereby appointed to post up notices according to law, in the township of Holland, of the time and place of such meeting.

Sec. 3. That the south half of township nine north, of range fifteen west, in the county of Ottawa, be and the same is hereby attached to the township of Spring Lake, in said county.

I hereby certify the foregoing to be a true copy.

HOYT G. POST,  
*Clerk of Ottawa county.*

CLERK'S OFFICE, Grand Haven, June 13, 1851.

Vote on the above resolution as follows: Ayes, Messrs. Turner, Ham, Beach, C. C. Fitzhugh, Ross and Thompson, (6.) Nays, Messrs. Millard and W. D. Fitzhugh, (2.)

OCTAVUS THOMPSON,  
*Chairman.*  
AUG. S. GAYLARD,  
*Clerk of Board.*

*State of Michigan, County of Saginaw, ss.*

I, Aug. S. Gaylard, Clerk of said county, do hereby certify that the annexed is a true copy of the map of township number ten north, of range number six east, in said county, known as the township of Birch Run, as furnished the Board of Supervisors of said county, and that the foregoing is a true statement of the action of such board in relation to the organization of said township, as appears of record in my office.

In testimony whereof I have hereunto set my hand and  
[ L. S. ] affixed the seal of the circuit court for said county, at  
Saginaw city, this 18th day of February, A. D. 1858.

AUG. S. GAYLARD,  
*County Clerk.*

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*Whereas*, The application of more than twelve freeholders, residents of the following unorganized territory, to wit: township number eleven (11) north, of range number six (6) east, to organize said territory into a new township, has been duly made, and a map and survey thereof has been furnished the Board of Supervisors for the county of Saginaw;

*And whereas*, A notice in writing of such application, subscribed by not less than twelve of said freeholders, has been duly published and posted, according to the statute in such case made and provided; therefore be it ordered that the above described territory be and the same is hereby duly organized into a township, to be known and designated by the name of Frankenmuth, which said township is described as being within the limits and under the jurisdiction of Saginaw county, in the State of Michigan; and be it further ordered that the first annual meeting for the election of township officers in said

township be held at the old church in said township of Frankenmuth, on the first Monday in April next ensuing, and that the following named persons, to wit: G. A. Ranzenberger, G. M. Shafer and A. Koch, being three electors of said township, be and they are hereby designated and appointed to preside at such election, and to perform all the duties required by the statute in such case made and provided.

WM. H. SWEET,

*Ch'n of Board.*

A. S. GAYLARD,

*Clerk.*

*State of Michigan, county of Saginaw.*

I, Augustine S. Gaylard, Clerk of said county, do hereby certify that the foregoing is a true copy of an order made by the Board of Supervisors for said county, at a session of said board on the third day of January instant, as appears from the record of the proceedings of said board.

In testimony whereof I have hereunto set my hand and  
[L. S.]      affixed the seal of the circuit court for said county, at  
Saginaw city, this 31st day of January, A. D. 1854.

A. S. GAYLARD,

*Clerk.*

## TUSCOLA COUNTY.

TUSCOLA COUNTY CLERK'S OFFICE, }  
Vassar, Dec. 28th, 1852. }

At a meeting of the Board of Supervisors in and for said county, it was resolved, on motion of J. Hopkins, that we, the said Board of Supervisors, do organize a new township from the territory now under the jurisdiction of the town of Vassar, and that the said township shall consist of the following surveyed towns, viz: towns twelve, thirteen and fourteen north, of ranges nine, ten and eleven east, said township to be named Indian Fields, and that the first township meeting be held at the house of Isaac N. Crane, in said new organized township, and that Isaac N. Crane, Daniel D. Hopking, and Christian Shadley, shall be electors or inspectors of said first township meeting; also, resolved, that

## ALLEGAN COUNTY.

BOARD OF SUPERVISORS, ALLEGAN COUNTY, }  
*Adjourned Session, Dec. 29th, 1852.* }

It is ordered by the Board of Supervisors of the county of Allegan, two-thirds of all the members elected therefor, that township number three north, of range number twelve west, in said county, be and the same is hereby set off from the township of Dorr and organized into a separate township by the name of "Hopkins," and that the first township meeting, for the election of township officers shall be held at the school house in said township, on the first Monday in April next, and Luther Morton, Jason Baker and Erastus Congdon are hereby appointed to act as inspectors of election at such township meeting.

It is further ordered that the next annual township meeting in and for the township of Dorr shall be held at the dwelling house now occupied by Orin Goodspeed, in said township.

*State of Michigan, County of Allegan.*

I, Eli P. Watson, Clerk of the Board of Supervisors of said county, do hereby certify that the annexed and foregoing is a true copy examined and compared by me of an original entry made in the record of the Board of Supervisors of said county, under date of December 29th, 1852.

Witness my hand and official seal, at my office, in the  
 [L. S.] village and county of Allegan, this the 29th day of December, A. D. 1852.

ELI P. WATSON, *Clerk.*  
 per E. B. BASSETT, *Dep.*

## SAGINAW COUNTY.

At a session of the Board of Supervisors for the county of Saginaw, held at the office of the Clerk of said county, on the 9th day of February, A. D. 1853, the following action was had by said board in relation to the organization of a new township, to be known as St. Charles, to wit:

*Whereas*, The application of thirteen freeholders, residents of the following unorganized territory, to wit: town number ten north, of ranges one, two and three east, and town number eleven north, of ran-

ges one, two and three east; also, town number eleven north, of range one west, has been duly made, and a map and survey thereof furnished the Board of Supervisors of said county of Saginaw;

*And whereas*, A notice in writing of such application, subscribed by not less than twelve of said freeholders, has been duly published and posted according to the statute in such case made and provided; therefore,

*Resolved*, That the above described territory be and the same is hereby duly organized into a township, to be known and designated by the name of St. Charles, which said township is described as being within the limits and under the jurisdiction of the county of Saginaw, in the State of Michigan; be it further

*Resolved*, That the first annual township meeting for election of township officers for the further organization of said township, be held at the house of Hiram Davis, situate in said township of St. Charles, on the first Monday of April next, and that the following named persons, to wit: David Gould, Isaac Bennett and Hiram Davis, being three electors of said township, be and they are hereby duly designated and appointed to preside at said township meeting, and to perform all the duties required by the statute in such case made and provided.

Vote on the foregoing resolution was unanimously in the affirmative—all the members voting.

OCTAVUS THOMPSON,

*Chairman.*

AUG. S. GAYLARD,

*Clerk of Board.*

*State of Michigan, county of Saginaw, ss.*

I, Aug. S. Gaylard, Clerk of said county, do hereby certify that the foregoing is a true statement of the action of the Board of Supervisors of said county in relation to the organization of the township of St. Charles, in said county, together with a true copy of a map of said township, as furnished said board.

In testimony whereof I have hereunto set my hand and

[L. S.] affixed the seal of the circuit court for said county, this 18th day of February, A. D. 1853.

AUG. S. GAYLARD,

*County Clerk.*

of Brunswick, or such other name as may be designated by said board.

Dated October 11th, 1853.

(Signed,) Alfred Veltman, James Hall, Lewis Lockwood, John A. Meyer, Henry Stebbens, James Bullock, Henry Wooll, George Munson, Henry Higgins, Moses Wooll, John A. Borden, David Bates, James E. Ronse and Aaron S. Braley.

*State of Michigan, county of Shiawassee, ss.*

Merrils H. Clark, of Corunna, Shiawassee county, Michigan, being duly sworn, deposeth and saith, that he is publisher of the Shiawassee Democrat, a paper printed and circulated in said county, and that a copy of the annexed notice has been regularly published for four successive weeks next previous to the application for organization, and further deponent saith not.

(Subscribed,)

MERRILS H. CLARK.

Subscribed and sworn before me, the 4th day of January, A. D. 1854.

E. COMSTOCK,

*County Clerk.*

*State of Michigan, county of Shiawassee, ss.*

I, Moses Wooll, of the town of Middlebury, in said county, being duly sworn, depose and say, that at least four weeks previous to this day, I posted up at four different places in said township of Middlebury, a copy of the above notice, and know that the fifth copy of said notice was posted up in said township in like manner, at least four weeks previous to this day.

(Signed,)

MOSES WOOLL.

Subscribed and sworn to before me, this 4th day of January, A. D. 1854.

E. COMSTOCK,

*County Clerk.*

Copy of the resolution of the Board of Supervisors of Shiawassee county, organizing the township of Fairfield, in said county.

*Resolved by the Board of Supervisors of Shiawassee county, That so much of the township of Middlebury, in this county, as is included in the surveyed township number eight north, of range one east, in said county, be and the same is hereby set off and organized into a*



separate township, to be known by the name of Fairfield, and that the first township meeting be held at the house of Henry Stebbens, in said township, on the first Monday of April next, and that Alfred Veltman, Henry Stebbens and John A. Borden be appointed to act as inspectors of such township meeting, and to exercise the powers of such inspectors.

The vote being taken on the above resolution, the same was sustained by more than two-thirds of the members of the board.

The above is a true copy of the resolution passed by the Board of Supervisors organizing the township of Fairfield, on the 4th day of January, 1854.

(Signed,)

M. B. MARTIN,

*Chairman.*

E. COMSTOCK,

*Clerk.*

*State of Michigan, county of Shiawassee, ss.*

I certify the within to be a true copy of the proceedings of the Board of Supervisors of Shiawassee county aforesaid, in organizing the township of Fairfield, in said county.

Given under my hand, at Corunna, the 17th day of January, A. D. 1854.

E. COMSTOCK,

*Clerk.*

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## OTTAWA COUNTY.

AN ACT to organize the township of Blendon.

**SECTION 1.** *The Board of Supervisors of the county of Ottawa, State of Michigan, enact, That township number six north, of range number fourteen west, in the county of Ottawa, State of Michigan, be and the same is hereby set off from the township of Allendale, in said county of Ottawa, and organized into a separate township by the name of Blendon; and that the first township meeting for the election of township officers shall be held on the first Monday in April, 1854, at the house of Booth Perry, in said township; and that Booth Perry,*

Albert W. Vredenberg, and Lathan L. Carr, be and they are hereby appointed to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting; and that said Lathan L. Carr, be and he is hereby appointed to post up notices, according to law, of the time and place of such meeting, in the newly organized township of Blenden.

Sec. 2. The township of Allendale shall hold their next annual meeting on the first Monday of April, 1854, at the new log school house on section fifteen in said township of Allendale, and that George Weatherwax be and he is hereby appointed to post up notices, according to law, in said township of Allendale, of the time and place of such meeting.

Dated at Grand Haven, this fourth day of January, 1854.

*State of Michigan, county of Ottawa.*

I hereby certify the foregoing to be a true copy of an act to organize the township of Blenden, passed at the session of the Board of Supervisors of Ottawa county held January 4th, 1854.

HOYT G. POST,  
*County Clerk.*

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### SAGINAW COUNTY.

*Whereas*, The application of fourteen freeholders, residents of the following unorganized territory, to-wit: the south half of township number thirteen north, of range number five east, the south half of township number thirteen north, of range number four east, fractional section six, and all that part of fractional section five lying west of Saginaw river, in township number twelve north, of range number five east, has been duly made to organize said territory into a new township, and a map and survey thereof has been furnished the Board of Supervisors for the county of Saginaw;

*And whereas*, A notice in writing of such application, subscribed by not less than twelve of said freeholders, has been duly published and posted, according to the statute in such case made and provided; therefore be it ordered, that the above described territory be and the same is hereby duly organized into a township, to be known and designated by

the name of Zilwaukie, which said township is described as being within the limits and under the jurisdiction of the county of Saginaw, in the State of Michigan; and be it further ordered, that the first annual meeting, for the election of township officers in said township, be held at the office of D. & S. Johnson, in said township of Zilwaukie, on the twentieth day of January, A. D. 1854, and that the following named persons, to-wit, Luke Wellington, Charles Danae, and B. F. Fisher, being three electors of said township, be and they are hereby designated and appointed to preside at such township meeting, and to perform all the duties required by the statute, in such case made and provided.

WM. H. SWEET,

*Chairman of the Board.*

A. S. GAYLARD,

*Clerk.*

*State of Michigan, county of Saginaw.*

I, Augustine S. Gaylard, Clerk of said county of Saginaw, do hereby certify that the foregoing is a true copy of an order made by the Board of Supervisors for said county, at a session of said Board on the third day of January, instant, as appears from the record of the proceedings of said Board.

In testimony whereof, I have hereunto set my hand and  
[L. S.] affixed the seal of the Circuit Court for said county, at  
Saginaw City, this 13th day of January, A. D. 1854.

AUG. S. GAYLARD,

*Clerk.*

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#### SANILAC COUNTY.

A special meeting of the Board of Supervisors of the county of Sanilac was held at the court house in the village of Lexington, in said county, on the twenty-first day of February, A. D. 1854. Present, Clark C. Mills, of Lexington, Chairman; Norton Hollister, of Worth; Henry L. Hopkins, of Sanilac; and Alanson Goodrich, of Austin, (being all the supervisors of said county;) which said special meeting was called (among other things) for the purpose of taking into consideration the prayer of a certain petition, signed by more than twelve

freeholders of that part of the county of Huron attached to the said county of Sanilac for judicial purposes, requesting that so much of said county of Huron as is not included in the organized township of Auchville, (and judicially attached to the county of Tuscola,) may be organized into a township;

*And whereas*, It appeared, by affidavit, that the proper notices had been duly posted up, pursuant to the provisions of the statute in such case made and provided; therefore, on motion duly made and seconded, it was unanimously

*Resolved*, That the prayer of said petition be granted, and that so much of the said county of Huron as now remains attached to the said county of Sanilac for judicial purposes, be and the same is hereby organized into a township by the name of the township of Huron, and that the first township meeting be held in said new township, at the house of Crozier Davidson, on the first Monday in April, A. D. 1854, and that Heman Dickenson, Jacob Peer and Aaron Peer be the persons appointed to preside at such township meeting, as required by section 16 of an act entitled "an act to define the powers and duties of the Boards of Supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers," approved April 8th, 1851.

C. M. MILLS,

*Chairman.*

RANDAL WIXSON,

*Clerk.*

*State of Michigan, county of Sanilac, ss.*

We hereby certify that the Board of Supervisors, now in session, have this day organized the township of Huron, as expressed in the foregoing resolution, as required by section 14 of an act entitled "an act to define the powers and duties of the Boards of Supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers."

Dated at Lexington, this 21st day of February, A. D. 1854.

C. M. MILLS,

*Chairman.*

RANDAL WIXSON,

*Clerk.*

*State of Michigan, county of Sanilac, ss.*

I certify that the foregoing action was taken by the Board of Supervisors, now in session, and is a correct duplicate of the one filed in this office.

In witness whereof I have hereunto set my hand and  
[L. S.]      affixed the seal of our circuit court, this 21st day of  
February, A. D. 1854.

RANDAL WIXSON,  
*Dept. County Clerk.*

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### CLINTON COUNTY.

*Whereas*, Application has been made to the Board of Supervisors of the county of Clinton, by petition, which said petition is signed by more than twelve freeholders of the unorganized territory of township number nine north, of range number four west, in the State of Michigan, and within the legal boundaries of said county of Clinton, to organize the said territory into a township, to be known and designated by the name of North Shade;

*And whereas*, A map and survey of said territory has been furnished to said Board, and it having been made to appear (by affidavit) to said Board, that notice in writing, signed by more than twelve freeholders of the said unorganized territory, has been posted in five of the most public places in the said unorganized territory, for four weeks next previous to said application, and that a copy of said notice has been published once in each week for four successive weeks immediately preceding this meeting of this Board, in the Clinton Express, a newspaper published in said county of Clinton; therefore,

*Resolved*, That the unorganized territory above mentioned, be and the same is hereby organized into a township, to be known and designated by the name of North Shade; and it is further

*Resolved*, That the first township meeting in said organized territory be held on the first Monday of April, A. D. 1854, and that the same be held at the house of Henry Lane, in said township, and that Henry Lane, George E. Walker, and William Avery, electors of said township, shall preside at said meeting, and exercise the same powers as the inspectors of elections at any township meeting.

*And whereas*, Said territory above organized into said township, was taken from territory heretofore belonging to the organized township of Lebanon, in said county; therefore,

*Resolved*, That the next township meeting in said township of Lebanon be held at the school house in school district number one, in said township.

The question being upon the adoption of the foregoing preambles and resolutions, and the yeas and nays being ordered, the result was as follows, to-wit:

Yeas—Messrs. Avery, Burret, Bachelder, Calder, Dutton, Fitch, Hewitt, Hill, Hunter, Jameson, Niles, Plowman and Silverwood, 18.

Nays—Messrs. Pearl, Vance and Sturgis, 3.

DAVID STURGIS,

*Chairman Board of Supervisors.*

JOSEPH H. ADAMS,

*Clerk of the Board of Supervisors.*

*State of Michigan, County of Clinton, ss:*

I do hereby certify that the foregoing preambles and resolutions were adopted by the Board of Supervisors of said county, on the eleventh day of October, A. D. 1853.

In testimony whereof, I have hereunto set my hand and

[L. S.]      affixed the seal of said county, at Dewitt, this 5th day of April, 1854.

JOSEPH H. ADAMS,

*Clerk.*

*Resolved*, That township number ten north, of range number four west, in the county of Clinton, and State of Michigan, be and the same is hereby attached to township number nine north of range four west, in said county and State, for judicial and representative purposes, and for the purpose of taxation, until set off and organized into another township.

DAVID STURGIS,

*Ch'n Board of Supervisors.*

JOSEPH H. ADAMS,

*Clerk Board of Supervisors.*

*State of Michigan county of Clinton, ss.*

I do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Supervisors of said county, on the 12th day of October, A. D. 1853.

In witness whereof I have hereunto set my hand and  
[L. S.]      affixed the seal of said county, at Dewitt, this 5th day  
of April, A. D. 1854.

JOSEPH H. ADAMS,

*Clerk.*

---

VAN BUREN COUNTY. .

*Resolved by the Board of Supervisors, (now in session,) That* township No. two south, of range No. sixteen west, situate at present in, and belonging to the township of South Haven, in the county of Van Buren, be and the same is hereby set off from said township, and organized into a new township, by the name of the township of Bangor, and that the time and place of holding the first annual township meeting in said township of Bangor shall be on the first Monday of April next, 1854, at the school house situated on section twelve, in said township two south, of range sixteen west, and Charles U. Cross, Perrin M. Northrup and Mansel M. Briggs be and they are hereby appointed to act as the board of inspectors of election to preside at said meeting; and be it further

*Resolved, That* the next annual township meeting in the township of South Haven shall be held at the school house in district No. four, in the said township of South Haven.

The foregoing resolution was adopted by yeas 13, nays 1.

I hereby certify that the foregoing is a true copy of the resolution adopted by the Board of Supervisors of Van Buren county at their annual session, holden at their office in the village of Paw Paw, the eleventh day of October, A. D. 1853, organizing the township of Bangor, and of record in my office.

Witness my hand, this 18th day of March, 1854.

'S. T. CONWAY,

*Dept. County Clerk.*

*Resolved by the Board of Supervisors, (now in session,) That township number one south, of range number sixteen west, situate at present in and belonging to the township of Columbia, in the county of Van Buren, be and the same is hereby set off from the said township, and organized into a new township by the name of the township of Geneva; and that the time and place of holding the first annual township meeting in said township of Geneva, shall be on the first Monday of April next, 1854, at the dwelling house of Nathan Tubbs, on section two in said township number one south, of range number sixteen west; and that Nathan Tubbs, Clark Pierce, and Charles Hoag, be and they are hereby appointed to act as a township board of inspectors of election, to preside at said meeting; and be it further*

*Resolved, That the next annual township meeting in the township of Columbia, shall be held at the school house in the village of Breeds-ville, in said township.*

The foregoing resolution was adopted, yeas 15.

I hereby certify that the foregoing is a true copy of the resolution adopted by the Board of Supervisors, at their special session holden at this office in the village of Paw Paw, Van Buren county, the fifth day of January, A. D. 1854, organizing the township of Geneva, and of record in my office.

Witness my hand, this 18th day of March, 1854.

S. T. CONWAY,  
*Dept. County Clerk.*

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## TUSCOLA COUNTY.

VASSAR, October 11th, 1854.

*Tuscola County, Clerk's Office, ss.*

At the October session of the Board of Supervisors in and for said county of Tuscola, it was

*Resolved, on motion of J. Selden, That the said Board of Supervisors do organize a new township from the territory now under jurisdiction of the town of Indian Fields, and that the said new township shall consist of the following surveyed townships, viz: towns thirteen and fourteen north, of ranges nine, ten and eleven east; said township*



to be named Almer, and that the first township meeting be held at the house of Christian Shadley, in said new organized township, and that Aaron Dickenson, Christian Shadley and William Wilcox shall constitute the first township board.

We hereby certify that the above is correct, and that the above resolution was voted upon and carried at this session of the Board of Supervisors, in Tuscola county.

J. D. SMITH,  
*Chairman.*

WM. JOHNSON,  
*Clerk.*

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### NEWAYGO COUNTY.

*County Clerk's Office, Newaygo County, Michigan, ss:*

At a meeting of the Board of Supervisors of said county, on Monday, the 9th day of October, A. D. 1854, a petition being presented, signed by twelve freeholders of the territory represented by the map of survey, town 11 north, range 13 west, praying said board to organize said territory into a township by the name of Ashland; and it appearing to said board that all the steps prescribed by law had been complied with, and that said territory ought of right to be, the same was, by act of said board, organized into a township, according to the prayer of said petitioners; and that the meeting first to be held in said township, for township purposes, be held at the house of Sullivan Armstrong, and that Ezra N. Burrell, Sullivan Armstrong, and Joseph P. Henderson, be and the same were appointed as inspectors of the election to be held as aforesaid.

I hereby certify that the foregoing is a correct statement of the action of the aforesaid Board of Supervisors, at the meeting aforesaid.

J. H. STANDISH,  
*Dept. County Clerk.*

## ALLEGAN COUNTY.

*To the Supervisors of Allegan county:*

We, the undersigned, inhabitants of the township of Ganges, do hereby petition the honorable body to set off town one, (1) sixteen (16) and seventeen (17) in a town by itself, to be called by name of "Richland," "Kossuth," "Casco," or some other short name.

Ganges, Oct. 7, 1854.

Timothy McDowell, C. O. Hamlin, L. D. Cook, Stillman Mack, Andrew Hollister, John Bryan, S. G. Sheffer, Thos. Pinching, Joseph Dow, R. Robinson, Joseph Dow, Jr., A. Murch, Moses Bartholomew, Walter Billings, Christian Bartholomew, Benj. Plummer, Currell Lake, Stephen Eurl, W. P. Davis, Chauncey B. Goodrich, E. K. McLouth, Isaac Patch, Eli Weisand, G. F. Hughes, Garet Updike, Arba N. Crawford, Jos. W. Hall, Orletus C. Thayer, Moses Shanon, J. P. Mansfield, Wm. R. Clark, S. M. Thompson, L. Heyd, M. Southerland, Orvid Hutson, Thomas Carter, H. F. Bostwick, S. R. Squier, Austin Foot, J. Cranson.

NEW TOWNSHIP.—Notice is hereby given that application will be made to the Board of Supervisors of Allegan county, at their next annual meeting, to have towns one north of ranges sixteen and seventeen west, set off from the township of Ganges and organized into a new township, by the name of "Cornfield."

Dated Ganges, April 24, 1854.

(Signed,) E. D. Brown, Louis A. Shead, T. McDowell, L. D. Cook, Clark W. Sheffer, S. G. Sheffer, C. Bartholomew, M. Bartholomew, A. Howard, S. Cook, Joseph Dow, John Thayer, H. H. Barry, M. McDowell.

*State of Michigan, county of Allegan, ss.*

Moses Hawks, of said county, being duly sworn, doth depose and say, that he is the acting publisher of the *Allegan Record*, a weekly newspaper printed and circulating in the county of Allegan, and that an original notice, of which the annexed printed notice is a true copy, was printed in said paper once in each week for four weeks next preceding the 24th day of December, A. D. 1854, and further this deponent saith not.

MOSES HAWKS.

Subscribed and sworn to before me, this 27th day of December, A. D. 1854.

JOHN J. JONES,  
*Justice of the Peace.*

*State of Michigan, County of Allegan.*

Eugene B. Cook, of said county, being duly sworn, doth depose and say, that on or about the last day of November, 1854, he posted in five of the most public places in the south part of the present township of Ganges, to-wit, in towns one (1) north, of ranges sixteen and seventeen west, as many copies of an original, of which the following notice is a true copy, which said notices were signed by more than twelve freeholders, living in said town one north, of ranges sixteen and seventeen.

( NOTICE. )

NEW TOWNSHIP.—Notice is hereby given that application will be made to the Board of Supervisors of the county of Allegan, to have the townships one north, of ranges sixteen and seventeen west, set off from the township of Ganges, and organized into a new township by the name of ———, and further says nothing.

EUGENE B. COOK.

Subscribed and sworn before me, December 27, 1854.

JAMES B. PORTER,  
*Clerk.*

On reading and filing the petition of Timothy McDowell, and thirty odd others, freeholders of the township of Ganges, in the county of Allegan and State of Michigan, praying that towns one north, of ranges sixteen and seventeen west, be organized into a new township and set off from the township of Ganges, which said petition is accompanied by a map and survey of the territory so petitioned to be set off and organized, and upon due proof of notice of such application having been posted and published according to law, which proof is hereunto annexed, therefore it is ordered by the Board of Supervisors of the said Allegan county, two-thirds of all the members being present and voting therefor, that towns one north, of ranges sixteen and seventeen west, be and the same are hereby set off from the present township of Ganges, in said county, and the same is hereby organized into a new township, to be called and designated the township of "Casco." The first township

meeting in said township shall be holden on the first Monday in April, 1855, at the school house near Timothy McDowell's, on section twenty-four (24) in said town one (1) north, of range seventeen (17) west, and Timothy McDowell, E. K. McLouth, and S. G. Sheffer, are hereby appointed as three electors of said new township whose duty it shall be to preside at such first election or township meeting, appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of elections at ordinary township meetings. It is further ordered that the next annual township meeting for the township of Ganges, shall be held at the school house near David Updike's, in said township of Ganges.

E. B. BASSETT,

*Ch'n Board of Supervisors.*

JAMES B. PORTER,

*Clerk Board of Supervisors.*

I, James B. Porter, Clerk of Allegan county, do hereby certify the foregoing to be a true copy of all papers pertaining to the formation of the said town of Casco.

Witness my hand and seal, at Allegan, this 27th day of

[L. S.] December, A. D. 1854.

JAMES B. PORTER,

*Clerk.*

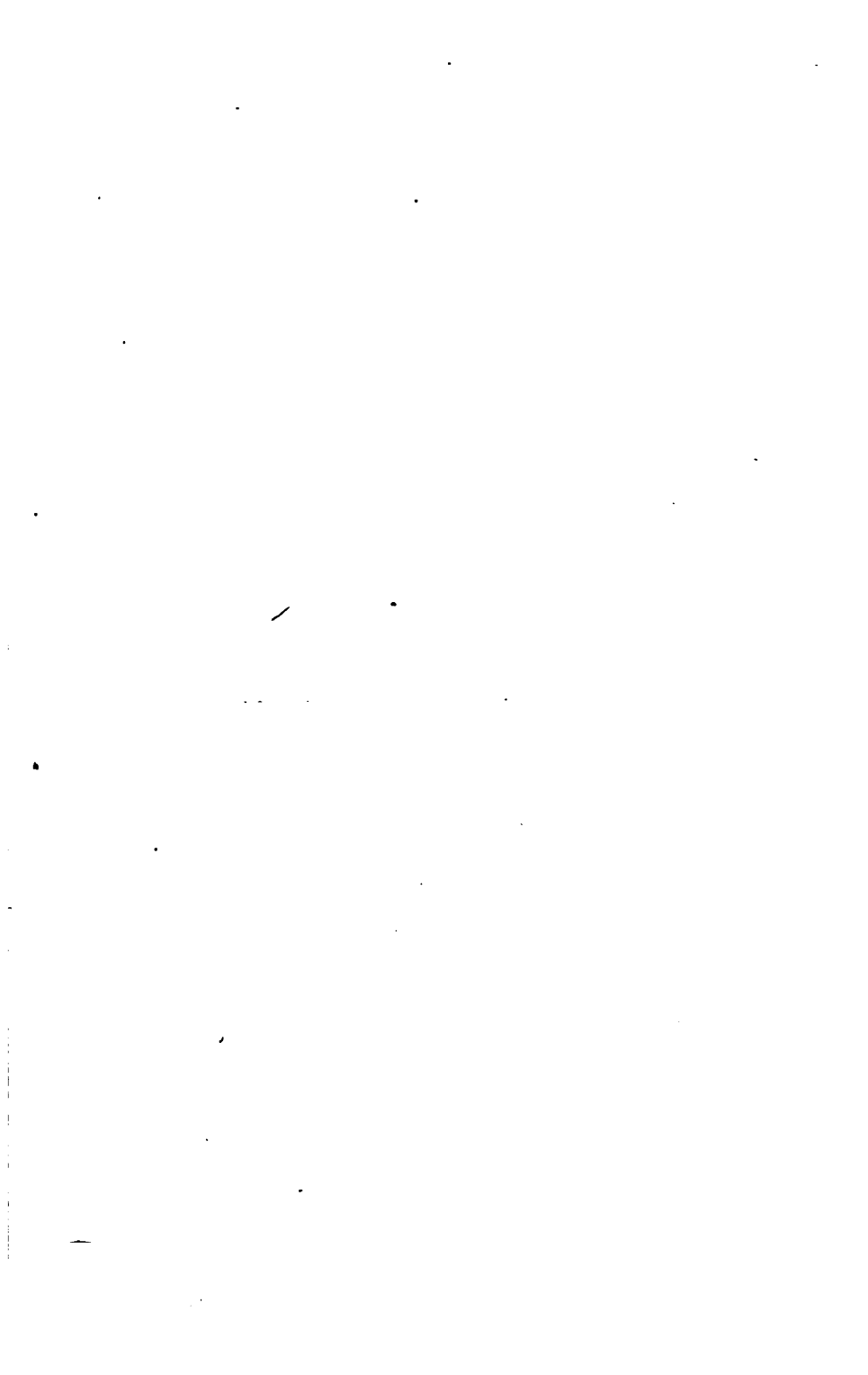
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# INDEX.

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# INDEX.

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## A.

Acts,	
repealed, 25, 50, 131, 137, 179, 187, 221, 227, 231, 235, 272, 351,	
415, 423, 426.	
Adrian, city of,	
charter amended,.....	181 to 187
Agent and Inspectors of State Prison,	
joint resolution of instruction to,.....	481
Agriculture, manufactures, and the mechanic arts,	
act for the encouragement of, amended,.....	26
Agricultural Societies,	
act to authorize the formation of, county and town,....	150 to 152
appropriation in aid of,.....	231
Agricultural School, State,	
act for the establishment of,.....	279
Alger, Elizabeth,	
act to change the name of,.....	6
Allison, township of,	
organized,.....	349
Almont, village of,	
incorporated,.....	247 to 262
Albion, village of,	
incorporated,.....	65 to 81
Alma House,	
common council of Detroit authorized to establish,.....	221
Ann Arbor, city,	
time for the collection of taxes therein extended,.....	9
Antrim, township,	
name of, changed to Megeezee,.....	6
Appropriations,	
for payment of officers and members and incidental expenses of	
the Legislature,.....	2

to pay Commissioners for taking census of Saginaw county,.....	1
in aid of the Michigan Asylums.....	239
for salaries of State Officers, 1855 and '6,.....	34 and 35
for Teachers' Institutes,.....	137
for House of Correction for juvenile offenders,.....	145
in aid of Michigan State Agricultural Society,.....	231
Internal Improvement lands, for road, Watrousville to Lower Saginaw,.....	264
for the payment of warrants drawn by Board of State Auditors,.....	270
for State Normal School,.....	273
for certain purposes, under the act relative to the State Prison,.....	283
for salary of State Prison Building Commissioner,.....	284
for payment of expenses of State government,.....	285
of certain public lands, made in 1848, joint resolution relative to,.....	486
Appendix,	
containing State Treasurer's annual reports for the years 1853 and 1854,.....	501 to 536
containing action of Board of Supervisors relative to erection of new townships,.....	539 to 562
Apportionment,	
of Representatives, act relative to,.....	237
Arcada, township of,	
organized,.....	83
Assessments,	
law relative to taxing property at its true value, amended,.....	227
Association, Teachers',	
act to incorporate,.....	268
Asylums,	
common council of Detroit, authorized to establish, for insane and blind,.....	221
appropriation in aid of the Michigan,.....	239
Attorney General,	
corporations formed under act incorporating charitable societies, required to report to,.....	30
appropriation for salary of, for the years 1855 and '6,.....	34 and '5
duty of, relative to certain lands in the village of Jackson, be- longing to the State,.....	193
relative to legality of conveyance of land to the State for Agricultural School,.....	279
relative to certain appropriations of public lands made by the Legislature in 1848,.....	486
joint resolution of instruction to, respecting certain State build- ing lands,.....	494
Auditor General,	
acts relative to return of taxes to,.....	7, 9, 10, 46, 65, 812
appropriation for salary of, 1855 and 1856,.....	34 and 35
authorized to issue new land warrant to Luke H. Parsons,.....	188
appraisal of certain lands in the village of Jackson, to be filed with,.....	193



Board of Control of House of Correction, required to deposit conveyances of lands granted, contracts, &c., with,.....	146, '7
bond of Superintendent of St. Mary's Falls Ship Canal, to be approved by,.....	195
compensation of Inspectors of State Prison to be audited by,....	194
"    commissioner to expend certain appropriations on road from Watrousville to Lower Saginaw, to be allowed by,.....	265
said commissioner to file bond with,.....	266
duty of, relative to reports of railroad companies,.....	169
relative to furnishing blanks, deeding lands sold for taxes, &c., under act No. 95, of 1855, relative to taxes,....	230
relative to apportionment of tax for Asylum fund,.....	240
"    publishing tax sales, to designate paper, &c.,....	278
"    apportionment of tax, to provide for payment of expenses of the State government,.....	285
required to draw warrant for expenses incurred by Supreme Court Reporter,.....	47
required to draw warrant upon presentation of certificate of Superintendent of Public Instruction, for subscription, Journal of Education and Teacher's Magazine,.....	64
required to draw warrant for certain expenses of Teachers' Institutes,.....	137
required to credit University fund with certain interest,....	139
"    draw warrant for amount of appropriation in aid of Michigan State Agricultural Society,.....	231
required to draw warrant for amount of purchase, of farm and site for Agricultural School,.....	279
required to draw warrant for sums necessary to defray expenses, repairing and finishing State Prison, &c.,.....	285
required to draw warrant for amount awarded by Board of State Auditors, in favor of M. K. Taylor,.....	490
required to credit Chippewa county for amount of certain taxes claimed by State,.....	490
required to issue new warrant to Robert Howlett,.....	492
"    credit Mackinac county the amount found due by Board of Auditors, for excess of interest charged,.....	498
receipts for sales of State lands, to be countersigned by,.....	349
railroad companies required to make annual reports to,.....	168
member of Board of Control, St. Mary's Falls Ship Canal,....	195
securities, for deposit of surplus funds to be approved by,....	239
tax of corporation organized under act relative to consolidation of Michigan Southern R. R. and Northern Indiana R. R. Companies, to be ascertained by,.....	302
Auditors, county, act to provide for the election of, in Wayne county,.....	152
Avery, Newell, Commissioner State Land Office authorized to issue new certificate to,.....	494

## B.

Bank of Michigan,	
C. C. Trowbridge authorized to discharge a certain mortgage in favor of,.....	82
Banking powers,	
prohibited to Institutions of Learning,.....	55
Baptist Church and Society,	
First of Lansing, joint resolution relative to,.....	489
Bear Creek, township of,	
organized,.....	422
Blake, John,	
act to provide for issuing a certain patent to,.....	86
Blind,	
city of Detroit authorized to provide asylum for,.....	221 to 224
Board of Education, Detroit city,	
certain duties of,.....	3, 4
Board of Health, Waterford, Oakland county,	
authorized to take possession of certain burial ground,.....	84
Board of Control,	
of House of Correction for juvenile offenders,.....	146, '7
of St. Mary's Falls Ship Canal, powers and duties,.....	195 to 197
Board of County Auditors, Wayne county,	
act relative to election of,.....	152
Board of State Auditors,	
compensation of commissioners to take census of Saginaw county, to be audited by,.....	1
compensation of Board of Control of St. Mary's Falls Ship Canal to be allowed by,.....	197
compensation of commissioner to locate county seat of Isabella county, to be allowed by,.....	367
authorized to audit certain bills against the State for supplies furnished Legislature of 1855,.....	496
appropriation for the payment of warrants drawn by,.....	270
to determine the allowance for expenses of Board of Control, House of Correction,.....	147
certain expenses, Supreme Court Reporter, to be allowed by,.....	47
incidental expenses of Land Office to be audited by, upon certificate of Commissioner,.....	349
duty of, relative to the claim of Jonas H. Titus,.....	481
"        "        John Van Fossen,.....	487
"        "        Morse K. Taylor,.....	490
"        "        George Matthews,.....	491
"        "        Andrew Harvie,.....	495
"        "        Peter Holmes, Charles D. Holmes, and Patterson P. Holmes,.....	467
duty of, relative to cancelling excess of interest account against Mackinac county,.....	497

Board of Supervisors,	
act to define the powers and duties of, amended,.....	106, '9
Bond,	
required by seller of drugs, &c., under liquor law, &c.,.....	20, 21
Bonds,	
village of Port Huron, authorized to issue,.....	139, 140
act authorizing Saginaw county to loan its, amended,.....	179
State, certain holders of, required to present them, &c.,.....	238, '9
required to be given by State Prison Building Commissioner, ..	284
Boundaries,	
between Lapeer and Tuscola counties, act to define,.....	313
Bradley,	
name of Bull changed to,.....	5
Bridge,	
act for maintainance of, at Ives' dock, Wayne county,.....	133
Bridges,	
act to maintain, over mill races, &c., crossing public highways,...	347
Brookfield,	
time for collection of taxes extended in township of,.....	6
Brown,	
township of, organized,.....	424
Buel,	
township of, organized,.....	268
Buena Vista,	
time for the collection of taxes extended in township of,.....	64
Building, leasing houses, &c.,	
act relative to,.....	285
Bull,	
act to change the name of, to Bradley,.....	5
Burial ground,	
(see Board of Health.)	
Buah, George,	
right of pre-emption to certain State lands,.....	235
Burying grounds,	
act relative to,.....	187 to 192

C.

Canal,	
St. Mary's Falls Ship, act to provide for care of, &c.,.....	195
Canal lands,	
(see Grand Rapids Canal lands, &c.)	
Census,	
of Saginaw county, act to provide for taking,.....	1
Charitable Societies,	
act for the incorporation of,.....	28
Oheboygan county,	
special election authorized,.....	236

Chippewa county,	
joint resolution relative to the claim of Michigan against, for State tax,.....	490
Chippewa Portage Company,	
joint resolution authorizing Commissioner of St. Mary's Falls Ship Canal to locate track of,.....	493
Churches, and Religious Societies,	
act relative to,.....	313
Methodist Episcopal, of Lansing, act relative to,.....	276
First Presbyterian Society, of Grass Lake,.....	242
"                    "                    Lansing,.....	489
First Wesleyan Methodist, of Lansing,.....	82
" Baptist Church and Society, of Lansing,.....	489
Cider,	
manufacture and sale of, allowed in certain cases,.....	25
Circuit Court Commissioners,	
appointment of, in cases of vacancy,.....	11
pending proceedings before, may be continued,.....	12
Circuit Court,	
act to provide for the transfer of causes,.....	273 to 275
to have concurrent jurisdiction with justices of the peace,.....	18
Cities,	
Adrian, charter amended,.....	181 to 187
Detroit, ".....	209
" Gas Light Company, act of incorporation amended, 420, '21	
Flint, incorporated,.....	322 to 338
Monroe, charter amended,.....	352 to 356
Clay Banks,	
township of, organized,.....	425
Clark, Beaumont,	
joint resolution for the relief of heirs of,.....	498
Claims,	
against State, for supplies furnished Legislature, joint resolution authorizing Board of Auditors to allow,.....	496
Clerks,	
Auditor General's Office, appropriation for salary of, 1855 and 1856,.....	34, '5
State Land Office, appropriation for salary of, 1855 and '6,...	34, '5
Attorney Gen'l's "                    "                    ".....	34, '5
Clyde,	
time for collection of taxes in township of, extended,.....	8
Coe,	
township of, organized,.....	348
College, Kalamazoo,	
supplemental act relative to,.....	138
Coldwater,	
village, charter amended,.....	85

Commissioners,	
to take census of Saginaw county,.....	1
Board of Water, of Detroit, authorized to loan money,.....	31
to control improvement of Grand River Rapids,.....	232
to establish certain road in Montcalm county,.....	85
to establish seat of justice, Isabella ".....	367
to expend appropriation for road, Watrousville to Lower Saginaw,.....	264
Commissioner,	
to superintend building, &c., House of Correction,.....	147
to exhibition of industry, N. Y., 1853, joint resolution relative to claim of,.....	481
of St. Mary's Falls Ship Canal, joint resolution authorizing, to locate track of Chippewa Portage Company,.....	493
Commissioner of State Land Office,	
authorized to issue new certificate to S. B. Spencer and Marvil Shaw,.....	11
authorized to issue a new certificate to Isaac Turner,.....	417
" Newell Avery, for Normal School lands,.....	494
" Jesse R. Treadwell, Primary ".....	497
" Eliza Mariah and Joseph Dutcher,.....	497
Auditor General authorized to issue a land warrant upon, for benefit of Luke H. Parsons,.....	136
appropriation for salary of, 1855 and '6,.....	34, '5
act to confirm certain sales of land made by,.....	286
certain accounts and charges for incidental expenses of Land Office, to be allowed by Board of Auditors, upon certificate of,.....	349
certain papers required to be filed with, relative to purchasers of and settlers on swamp lands,.....	418
duty of, relative to joint resolution for relief of the heirs of Beaumont Clark,.....	498
relative to the right of way under general railroad law,.....	168
" a piece of land in the village of Jackson, belonging to the State,.....	193
directed to issue certificates to Alexander R. Tiffany and Joel W. Ranger, assignee, for certain Primary Sch'l lands,.....	492
directed to issue certificate to James Waters,.....	141
certificates to contractors, Grand Rapids Canal,.....	234
allow James D. Turk, W. Hunter, C. Koffman, H. Gillmore, G. Bush, J. Hughes, and B. Powers, to purchase certain lands,.....	284, '5
reserve certain Internal Improvement lands for the improvement of a road in Tuscola and Saginaw counties,.....	264 to 266
to restore certain rights to Oliver M. Hyde, forfeited in consequence of non-payment of interest on school lands,.....	491



Districts,	
Senate, act to re-arrange, .....	309 to 311
Representative, act to apportion anew, .....	237, '8
Dock,	
(see Ives' dock.)	
Drugs and Medicines,	
seller of, selling intoxicating liquors, to give bond, .....	20
"    duty of, when applied to for liquor, .....	22
Dundee,	
village of, incorporated, .....	87 to 97
Dutcher, Eliza Mariah and Joseph,	
joint resolution for the relief of, .....	497

## E.

Eastman,	
township of, organized, .....	284
East Saginaw,	
village of, incorporated, .....	287
Election,	
of certain township officers, law relative to, amended, .....	137
special, authorized in Cheboygan county, .....	236
of county auditors in Wayne county, act to provide for, .....	152, '8
Emmet county,	
act to re-organize, .....	421 to 423
Emmet,	
time for the collection of taxes in township of, extended, .....	8
township organization of, legalized, .....	65
Expenses,	
incidental, of Legislature, .....	2

## F.

False statement,	
of person purchasing intoxicating liquor, how punished, .....	22
Falls of Niagara,	
joint resolution relative to Ship Canal around, .....	488
Fees,	
of witnesses and jurors need not be allowed in certain cases, ....	17
First Presbyterian Society of Grass Lake, Jackson county,	
act to change the name of, .....	242
First Wesleyan Methodist Church in Lansing,	
act to grant certain lots to, .....	82
First Presbyterian Society of Lansing,	
joint resolution relative to an exchange of lots with, .....	489
First Baptist Church and Society of Lansing,	
joint resolution relative to an exchange of lots with, .....	489
Flint,	
city of, incorporated, .....	322 to 338
Forrester,	
township of, organized, .....	30

Free Schools,	
Detroit, act relative to, amended, .....	3
Free Soil,	
township of, organized, .....	424
Fraudulent Stocks,	
act to prevent issue of, by incorporated companies, .....	277
Fruit trees, ahruha, &c.,	
act to prevent the injury of, .....	479
Fuel,	
law relative to furnishing, for school districts, amended, .....	134
Fugitive slaves,	
act to protect the rights and liberties of, .....	413 to 416
Funds,	
(see surplus funds.)	

## G.

Gas Light Companies,	
act to authorize the formation of, .....	243 to 246
Gas Light Company of Detroit,	
act of incorporation amended, .....	420
Galilee,	
township of, organized, .....	198
Garnishee,	
justices' act relative to, .....	434, '5, '6
Genesee county,	
township of Mt. Morris organized in, .....	275
act to establish State road in, .....	308
Genesee and Oakland R. R. Company,	
act of incorporation amended, .....	419
Gillmore, Henry,	
right of pre-emption to certain State lands, .....	235
Gladwin county,	
attached to Midland for judicial purposes, &c., .....	281
Governor,	
authorized to issue patents to First Wesleyan Methodist Church	
of Lansing, .....	82
"        "        John Blake, .....	86
"        "        First Presbyterian Society in Lan-	
sing, .....	489
"        "        First Baptist Church and Society	
in Lansing, .....	489
by and with the advice and consent of Senate, to ap-	
point Superintendent of St. Mary's Falls Ship Ca-	
nal, .....	195
to appoint a Commissioner to select lands appropriated	
for improving road, Watrousville to Lower Saginaw, .....	264
authority of, to appoint Commissioners to fix price, time, &c.,	
for transporting mails on railroads in certain cases,	
under General R. R. Law, .....	170



authority of, to appoint Commissioner to fix price, terms, &c., for transporting mails on Port Huron and Lake Michigan R. R., in certain cases,.....	388
Board of Control, House of Correction, to be appointed by,.....	146
to make annual report to,.....	148
member Board of Control, St. Mary's Falls Ship Canal,.....	195
required to transmit copies of joint resolution relative to slavery to Senators and Representatives in Congress,.....	485
“ transmit copies of joint resolution relative to U. S. military reservations in Michigan, to Senators, &c.,.....	486
“ transmit copies of joint resolution relative to Ship Canal around the Falls of Niagara, to Representa- tives, &c.,.....	489
“ transmit copies of joint resolution relative to renew- al or extension of patents granted by U. S. to Mc- Cormick & Hussey, to Senators, &c.,.....	495
Secretary of Board of Instruction, of Agricultural College, to furnish copy of proceedings of said Board, and all regula- tions, by-laws, &c., to,.....	281
State Inspector of Lumber to be appointed by,.....	286
State Prison Building Commissioner “ .....	284
salary of, appropriation for,.....	34, '5
to appoint Commissioner to take census of Saginaw county,.....	1
to select time and place of meeting of Board of Control, House of Correction,.....	147
appoint Commissioners to establish State road in the counties of Saginaw, Tuscola, Lapeer and Genesee,.....	308
appoint Commissioners to establish seat of justice of the coun- ty of Isabella,.....	367
Goodland, township of, organized,.....	179
Gratiot county, organized, .....	13
county seat of, to be located by Supervisors,.....	12
time for the collection of taxes in certain townships in, extended,.....	46
township of North Shade organized in,.....	45
“ Arcada “ .....	83
“ North Star “ .....	149
Grand Rapids, city charter of, amended,.....	31
canal lands, act for the disposal of the balance of,.....	232
Grass Lake, township of, certain territory of, annexed to Napoleon,.....	44
Gravel, may be used instead of plank, by plank road companies,.....	236
Greenland, township of, organized,.....	7
Greenwood, township of, organized,.....	180



East Saginaw, " " .....	287
Flint, city of, " .....	322
Hastings, village of, " .....	392
Jonesville, " " .....	109
Kalamazoo, " charter amended, ..?	50
Lexington, " incorporated, .....	120
Monroe, city of, charter amended, .....	352
Port Huron, village of, " .....	139
Romeo, " " .....	59
Sturgis, " incorporated, .....	356
Three Rivers, " " .....	403
Trenton, " " .....	98
act to prevent issue and sale of fraudulent stocks by, .....	277
act to incorporate Paw Paw Plank Road Company repealed, .....	246
act incorporating Plymouth and Dearborn Plank Road Compa- ny amended, .....	321
act to provide for the construction of train railways, .....	338
act conferring certain powers on mining companies, .....	391
Detroit, Romeo and Port Huron R. R. Co. charter amended, .....	297
Detroit and Pontiac and Oakland and Ottawa R. R. Companies authorized to consolidate, .....	305
Detroit Gas Light Company, charter amended, .....	420
for building and leasing houses and other tenements, .....	285
Genesee and Oakland R. R. Company, charter amended, .....	419
Hillsdale and Indiana Plank road Company, act relative to, ....	275
Lake Superior Mining Company of "Eagle River," changed to " Ontonagon," .....	426
Michigan Central R. R. Company, charter amended, .....	304
Michigan Southern and Northern Indiana R. R. Companies au- thorized to consolidate, .....	300
Port Huron and Lake Michigan R. R. Co., charter amended, ....	368
Incorporation of,	
Agricultural Societies, act to provide for, .....	150
Charitable Societies, " .....	28
companies for running and rafting logs, &c., act to provide for, ....	55
" acquiring and controlling burying grounds, " ....	187
Gas Light Companies, act to provide for, .....	243
Institutions of Learning, " .....	51
R. R. Companies, general act of, .....	153
Teacher's Associations, act relative to, .....	268
Indictment,	
forfeiture under new liquor law, to be recovered by, .....	19
Indictments,	
act relative to, .....	141
amendments allowed to, in certain cases of variance, .....	143
Insane,	
city of Detroit authorized to provide asylum for, .....	221

Inspection of lumber, act to provide for the,.....	266
Inspectors and Agent of State Prison, joint resolution of instruction to,.....	481
Insurance companies and insurance agents, act relative to,.....	241
Institutes, (see Teacher's Institutes.)	
Institute, Michigan and Huron, supplemental act relative to,.....	138
Internal Improvement Lands, appropriation of, for road from Watrousville to Lower Saginaw, ..	264
Interest, law relative to, on judgments, &c., amended,.....	131
on University lands sold, remitted and credited to University fund,.....	139
excess of, against Mackinac county, joint resolution relative to, ..	497
Internal Improvement Lands, joint resolution relative to appropriation of, made in 1848,....	486
Intoxicating liquors, act to prevent the manufacture and sale of, as a beverage,.....	18
cases excepted,.....	21
declared nuisance and forfeited in certain cases,.....	15
payments for, void in certain cases,.....	13
penalty for selling, contrary to law,.....	14
giving away, or enticing person to drink, &c.,.....	23
imported under United States laws, exempt, &c.,.....	25
when to be destroyed,.....	16
Iron, township of, organized,.....	348
Isabella county, act to provide for location of seat of justice of,.....	367
attached to Midland for judicial purposes, &c.,.....	231
township of Coe organized in,.....	348
Ives' Dock, act for maintaining bridge at,.....	133

## J.

Jails, revised statutes relative to, amended,.....	33
use of, for detention of fugitive slaves, prohibited,.....	413 to 416
Jackson, act to provide for the sale of certain lands belonging to State, in village of,.....	193
Joint resolution, No. 4, of 1851, relative to Grand Rapids canal lands, rescinded, ..	235
Jonesville, village of, incorporated,.....	109

act relative to, .....	270
Jurisdiction,	
over certain lands, &c., in Detroit city, ceded to United States, ..	263
Juvenile offenders,	
act to establish House of Correction for, .....	145
Justices' act,	
relative to courts held by justices of the peace, .....	426 to 478
" appearance of parties, .....	437
" pleadings and set-offs, .....	439
" adjournments, .....	444
" compelling the attendance of witnesses, .....	445
" trial of issues of fact, and the incidents thereto, .....	447
" judgments, and filing transcripts thereof, .....	451
" executions, and proceedings thereon, .....	453
" appeals, .....	463
" certioraria, .....	468
general provisions, concerning justices' courts and proceedings	
therein, .....	471

## K.

Kalamazoo,	
village of, charter amended, .....	50
Kalamazoo Literary Institute,	
name changed to Kalamazoo College, .....	138
Kenoskee,	
township of, organized, .....	65
Kimball,	
township of, organized, .....	230
Koffman, Christopher,	
right of pre-emption to certain State land, .....	235

## L.

Land,	
act for the relief of certain purchasers of Primary School, .....	11
act to provide for sale of certain, in the village of Jackson be-	
longing to the State, .....	192
act to confirm certain sales of, .....	286
act for the disposal of unexpended balance of Grand Rapids	
Canal, .....	232
Normal School, joint resolution authorizing Commissioner of	
State Land Office to issue new certificate of, to Newell	
Avery, .....	494
Primary School, joint resolution relative to issuing new certi-	
cate, to J. R. Treadwell, for, .....	497
" joint resolution empowering Eliza M. and Joseph	
Dutcher to locate certain, .....	497
State Building, Isaac Turner authorized to purchase certain, .....	417
" joint resolution of instruction to Attorney Gen-	
eral, relative to, .....	494

Swamp, act for the relief of purchasers of, and settlers on,.....	418
Office, State, act to revise an act to provide for the removal of,.....	349
warrant, to be issued to Luke H. Parsons,.....	188
<b>LaCroix,</b>	
township of, organized,.....	422
<b>Lapeer county,</b>	
township of Goodland organized in,.....	179
"    Allison    "    .....	349
act to establish State road in,.....	308
<b>Lapeer and Tuscola counties,</b>	
act to define boundary between,.....	313
<b>Lake Superior Mining Company of "Eagle River,"</b>	
changed to "Ontonagon,".....	426
<b>Laws, journals and documents,</b>	
joint resolution relative to disposal of,.....	486
<b>Legislature,</b>	
act to provide for payment of officers and members of,.....	2
<b>Lexington,</b>	
village of, incorporated,.....	120
<b>Learning,</b>	
act to provide for the incorporation of institutions of,.....	51
<b>Literary honors,</b>	
may be conferred by institutions of learning,.....	52
<b>Libraries,</b>	
township and school, to be supplied with certain periodicals,.....	63
<b>Little Traverse,</b>	
township of, organized,.....	422
<b>Little Sauble,</b>	
township of, organized,.....	425
<b>Liquor law,</b> .....	13 to 25
<b>Lower Saginaw,</b>	
appropriation for road, Watrousville to,.....	264
<b>Lumber,</b>	
act to provide for the inspection of,.....	266
"    "    formation of companies for rafting, &c.,.....	55

## M.

<b>Mackinac county,</b>	
joint resolution instructing Board of Auditors to cancel excess of interest against,.....	497
<b>Manufacture,</b>	
of intoxicating liquors, prohibited,.....	13
"    "    cases excepted,.....	24
<b>Manufacture and the mechanic arts,</b>	
act for the encouragement of, amended,.....	26
<b>Manitue,</b>	
county of, organized,.....	197
township of,    "    .....	198

Manistee county,	
townships of Manistee, Stronack, and Brown, organized in,.....	424
Manistee,	
township of, organized,.....	424
Manual,	
joint resolution relative to printing,.....	482
Married women,	
act relative to the rights of,.....	420
Marquette county,	
township of Iron organized in,.....,	348
Marquette township,	
act to provide for collection of taxes in, and to extend time,....	312
Mason county,	
organized, .....	424
townships of Free Soil, Little Sauble, and Pere Marquette, or-	
ganized in,.....	424
Matthews, George,	
joint resolution for the relief of,.....	491
McCormick & Hussey,	
joint resolution relative to U. S. patent for,.....	495
Megeezee township,	
township of Antrim changed to,.....	6
Methodist Episcopal Church,	
act to convey certain lots in Lansing to trustees of,.....	276
Methodist Church,	
First Wesleyan in Lansing, certain lot granted to,.....	22
Michigan liquor law,.....	13 to 25
Michigan Journal of Education and Teacher's Magazine,	
act to supply township and school libraries with,.....	63
Michigan Asylums,	
appropriation in aid of,.....	239
Michigan State Agricultural Society,	
appropriation in aid of,.....	231
Michigan Southern R. R. Company,	
authorized to consolidate with Northern Indiana R. R. Co.,....	300
Michigan Central R. R. Company,	
act to amend charter of,.....	304
Michigan and Huron Institute,	
(see Kalamazoo Literary Institute.)	
Midland county,	
counties of Isabella and Gladwin attached to, for judicial pur-	
poses,.....	231
act to organize, amended,.....	48
Millington,	
township of, organized,.....	63
Mining Companies,	
act supplementary to act No. 41 of 1853, relative to,.....	26
authorized to take stock in plank and railroads,.....	44

act to confer certain powers on,.....	391
Lake Superior of "Eagle River," changed to "Ontonagon,".....	426
Montcalm county, certain State road to be laid out in,.....	85
Monroe city, charter amended,.....	352
Mortgage, C. C. Trowbridge authorized to discharge certain,.....	82
Mount Morris, township of, organized,.....	275
Mussey, township of, organized,.....	131
Muskegon township, time for collection of taxes in, extended,.....	10

## N.

Napoleon township, certain territory of Grass Lake annexed to,.....	44
Nawaygo township, changed to Croton,.....	282
Normal School, State, appropriations for,.....	273
lands, (see lands, Normal School.)	
North Shade township, organized and time for the collection of taxes extended,.....	45
North Star, township of, organized,.....	149
Northern Indiana R. R. Company, authorized to consolidate with Michigan Southern R. R. Com- pany,.....	300
Norton, township of, organized,.....	284

## O.

Oakland county, Board of Health of the town of Waterford, to control a certain burying ground,.....	84
Oakland & Ottawa and Detroit & Pontiac R. R. Companies, authorized to consolidate,.....	305
Oceana county, organized,.....	424
townships of Pentwater, Stoney Creek, and Clay Banks, organ- ized in,.....	425
Officers, of Michigan Asylums, salaries of,.....	240
State, salaries of,.....	34, '5
State Prison, salaries of,.....	194



(see House of Correction.)	
Old Fort Mackinac,	
township of, organized,.....	422
Oliver, William,	
joint resolution for the relief of,.....	482
Ontonagon county,	
collection of taxes in, provided for,.....	8
Ontonagon River,	
act for improvement of,.....	37
Organization, of townships,	
(see townships, &c.)	
Organization, of counties,	
(see counties, &c.)	
Ottawa county,	
time for the collection of taxes in certain townships of, extended, ..	10
townships of Norton and Eastman organized in, .....	284
Ottawa township,	
certain territory taken therefrom and attached to Holland,.....	50

## P.

Patents,	
Governor authorized to issue,.....	82, 86, 489, 489
for reaping and mowing machine, joint resolution relative to re-	
newal or extension of,.....	495
Patmos,	
township of, organized,.....	198
Parsons, Luke H.,	
Auditor General authorized to issue new land warrant to,.....	138
Peaine,	
township of, organized,.....	198
Pentwater,	
township of, organized,.....	425
Pere Marquette,	
township of, organized,.....	425
Plank Road Companies,	
act relative to,.....	272
Hilledale and Indiana, act relative to,.....	275
Plymouth and Dearborn, charter amended,.....	321
Paw Paw, act of incorporation repealed,.....	246
Plank Roads,	
act relative to, amended,.....	286
Port Huron,	
township, time for the collection of taxes in, extended,.....	8
village of, charter amended,.....	139
Port Huron and Lake Michigan R. R. Company,	
act of incorporation amended,.....	368
act as amended,.....	378 to 391
authorized to appropriate any portion of line of Northern R. R., 378	

Powers, Benjamin,	
right of pre-emption to certain State land,.....	235
Presbyterian Society, First,	
of Grass Lake, act to change the name of,.....	242
Lansing, joint resolution relative to exchange of lots with,.....	489
Primary School lands,	
joint resolution relative to issuing new certificate for,.....	497
act for the relief of certain purchasers of,.....	11
Printing manual,	
joint resolution relative to,.....	482
Prison,	
(see State Prison.)	
Private roads,	
an act to provide for laying out,.....	36
Public highways,	
act to keep bridges over races crossing,.....	347
Public lands,	
joint resolution relative to appropriation of, in 1848,.....	486

## Q.

Qualified voters,	
in school districts, who shall be,.....	45

## R.

Rafting,	
lumber, &c., act to authorize the formation of companies for, 55 to 59	
Railways, train,	
act to provide for the construction of,.....	338 to 347
Ranger, Joel W.,	
assignee, joint resolution for the relief of,.....	492
Railroad Companies,	
general law to provide for the incorporation of,.....	153 to 179
pre-requisites for the formation and incorporation of,.....	153, '4
meetings of stockholders of,.....	155, '6, and 174
individual liability of stockholders,.....	157
stock certificates, and attestation thereof,.....	157
powers and liabilities relative to survey and location of road, 158, '9,	
and 167.	
proceedings to secure right of way,.....	160 to 166
" where land is owned by State, county or township,.....	168
may borrow money, issue bonds, mortgage road, &c.,.....	166
employees to wear badges,.....	168
to make annual report,.....	168, '9
penalties for false report,.....	169
" making dividends in certain cases,.....	158
penalties of officers for making false statements,.....	158
penalties for neglecting to whistle or ring bell,.....	171

liability of, for employing persons who use intoxicating drinks as a beverage,.....	168
lien of State and of citizens on property of,.....	169, 170
required to carry mails,.....	170
duties and liabilities in reference to conveying freight and passengers, running trains, &c.,.....	170 to 173, and 178, '9
taxes against,.....	173
to maintain fences, &c.,.....	172
may consolidate, in certain cases,.....	174 to 176
to erect caution boards,.....	171, '2
punishment for issuing fraudulent stocks, &c.,.....	177
duties in relation to baggage,.....	177, '8
act to provide for the incorporation of, amended,.....	193
Detroit, Romeo and Port Huron, act to amend charter,.....	297 to 300
Detroit and Pontiac and Oakland and Ottawa, authorized to consolidate,.....	305 to 308
Genesee and Oakland, act to amend charter,.....	419
Michigan Central, " ".....	304
Michigan Southern and Northern Indiana, authorized to consolidate,.....	300 to 303
Port Huron and Lake Michigan, charter amended,.....	368 to 391
Repeal, of acts, 25, 50, 131, 137, 179, 187, 221, 227, 231, 235, 272, 351, 415, 423, 426.	
Reporter of the Supreme Court, appropriation for salary of, 1855, '6,.....	34, '5
to attend terms of Supreme Court and report cases,.....	46
Religious Societies, act to change the name of the First Presbyterian Society of Grass Lake,.....	242
act to convey certain lot, in Lansing, to trustees of the Methodist Episcopal Church of Lansing,.....	276
act concerning, and repealing chapter 52, R. S. 1846, relative to,.....	313
act granting certain lot to First Wesleyan Methodist Church of Lansing,.....	82
joint resolution relative to exchange of lots with First Baptist Church and Society of Lansing,.....	489
joint resolution relative to exchange of lots with First Presbyterian Society of Lansing,.....	489
Representatives, new apportionment of,.....	237
Representatives, and Senators in Congress, joint resolution of instruction, &c., to, relative to slavery,.....	484
" " " U. S. military reservations,.....	485
" of instruction, &c., to, relative to Ship Canal around Falls of Niagara,.....	488
" of instructions, &c., to, relative to extension or renewal of certain Patents,.....	495

## Revised Statutes,

chapter 14, sec. 27, relative to Board of Auditors, Wayne county, amended, .....	152
chapter 16, sec. 39, relative to election of certain officers at town meetings repealed, and new section to stand as section 39, enacted, .....	137
chapter 16, sec. 80, relative to constables' sureties, amended, .....	84
chapter 34, sec. 6, relative to interest on judgments, &c., .....	131
chapter 52, relative to religious societies, repealed, .....	313
chapter 55, train railway companies subject to provisions of, .....	339
chapter 58, relative to school districts and voters therein, amended, .....	44
chapter 58, sec. 21 and 40, relative to furnishing fuel for schools, amended, .....	134
chapter 90, sec. 57, relative to examination of witnesses, .....	416, '17
chapter 90, sec. 24 and 25, relative to judgment creditors' bills, re-enacted, .....	270, '1
chapter 93, relative to justices of the peace, amended, .....	426 to 478
chapter 94, sec. 18, relative to appeal from justices' courts, re-enacted, .....	352
chapter 148, sec. 1, relative to use of jails, amended, .....	415
chapter 148, sec. 7, 8, and 13, " " .....	33
chapter 171, sec. 1, " " .....	416
chapter 172, sec. 19 and 22, relative to salary of officers of the State Prison, amended, .....	194
River, Ontonagon,	
act to provide for the improvement of, .....	37
Road, State,	
act to provide for laying out, Grand Rapids to Grand Traverse, .....	271
to be laid out in Montcalm county, .....	85
act to establish, in Saginaw, Tuscola, Genesee and Lapeer counties, .....	308
Watrousville to Lower Saginaw, appropriation of Internal Improvement lands for, .....	264
appropriation of highway taxes for improvement of, in the counties of Saginaw, Tuscola, Genesee and Lapeer, .....	135
act relative to appropriation of certain taxes to improve, amended, .....	87
Roads,	
act making appropriation for the improvement of, in Eaton and Ionia counties, repealed, .....	132
private, act for laying out, .....	36
Romeo,	
village of, act of incorporation, amended, .....	59 to 63

## S.

## Saginaw county,

act to provide for taking the census of, .....	1
officers to officiate in Midland county till others are elected, &c., .....	46
act to establish State road in, .....	308

incorporation of the village of East Saginaw, in,.....	287
<b>Salaries,</b>	
of State officers,.....	34, '5
of officers and Agent of State Prison,.....	194
<b>Sale,</b>	
of certain land in Jackson village, belonging to State,.....	192, '3
<b>Sanilac county,</b>	
township of Buel, organized in,.....	268
" Forrester.       " .....	30
<b>School,</b>	
State Normal, appropriation for,.....	273
State Agricultural, act to establish,.....	279
<b>Schools,</b>	
act relative to Free, in Detroit city, amended,.....	3
<b>School Districts,</b>	
act for the relief of,.....	38 to 43
No. 7, Tecumseh, authorized to loan money,.....	495
authorized to borrow money in certain cases,.....	42
power of school district No. 11, Ann Arbor, enlarged,.....	4
house and site in, how fixed and acquired,.....	38 to 43
certain persons constituted voters in,.....	44
act relative to furnishing fuel for, amended,.....	134
provisions relative to the organization of,.....	45
<b>School Lands,</b>	
act for the relief of certain purchasers of,.....	11
joint resolution authorizing Secretary of State to issue patents to David Whitney, for certain parcels of,.....	493
Primary, joint resolution authorizing Commissioner of Land Office to issue new certificate to J. R. Treadwell for,.....	497
<b>School Libraries,</b>	
to be furnished with Journal of Education and Teachers' Mag- azine,.....	63
<b>Secretary of State,</b>	
acceptance of act 75, of 1855, by Southern Michigan Telegraph Company, to be filed with,.....	141
acceptance of act 112, of 1855, by Railroad Companies, to be filed with,.....	263
acceptance of act 137, of 1855, by Detroit, Romeo and Port Huron R. R. Company, to be filed with,.....	300
acceptance of act 138, of 1855, by Michigan Southern and Northern Indiana R. R. Company, to be filed with,...	300, 303
acceptance of act 139, of 1855, by Michigan Central R. R. Co., to be filed with,.....	305
acceptance of act 140, of 1855, by Detroit and Pontiac and Oakland and Ottawa R. R. Companies, to be filed with,...	308
acceptance of act 146, of 1855, by Plymouth and Dearborn Plank Road Company, to be filed with,.....	322

acceptance of act 158, of 1855, by Port Huron and Lake Michigan R. R. Company, to be filed with,.....	373, 390
acceptance of act 169, of 1855, by Detroit Gas Light Company, to be filed with,.....	421
annual reports by train railway companies required to be made to,	345
appropriation for salary of, 1855, '6,.....	34, '5
articles of association, charitable societies, to be filed and recorded in office of,.....	38
“ copy of by, evidence of incorporation, 154, 340	
“ Gas Light Companies, to be filed and recorded in office of,.....	243
“ Institutions of Learning, to be filed and recorded in office of,.....	51
“ rafting lumber, &c., to be filed and recorded in office of,.....	56
“ train railway companies, when may be filed with, .....	340
“ under general railroad law, to be filed with, 153	
arrangements made between railroad companies, relative to running cars on each others' road, to be filed with,....	174 and '5
authorized to issue patents for school lands, to David Whitney,...	493
Board of Control, House of Correction, to make annual report to,.....	147
census of Saginaw county, returns of, to be transmitted to,.....	1
certificate of location of county seat of Isabella county, to be filed with,.....	367
certificate of election of directors, under general railroad law, to be filed with,.....	155
certificate of amount of stock paid in, to be filed and recorded in office of,.....	157
certified statements of Boards of Supervisors, relative to the erection of new townships, to be filed with, and his duty relative thereto,.....	109
conveyance of lands for State Agricultural School, to be delivered to,.....	279
duties of, relative to distribution of laws, &c.,.....	486
incorporated companies, issuing scrip, &c., to file statements with,	277
security of Banks, using surplus funds belonging to State, to be approved by,.....	239
Southern Michigan Telegraph Company, required to file acceptance of act 75, of 1855, with,.....	141
Senate Districts,	
act to re-arrange,.....	309 to 311
Senators and Representatives in Congress,	
joint resolution of instruction to, relative to slavery,.....	484, '5
“ “ “ U. S. military reservations,.....	485, '6

joint resolution of instructions, &c., to, relative to Ship Canal around the Falls of Niagara,.....	488
joint resolution of instructions to, relative to U. S. Patent issued to McCormick & Hussey,.....	495
Session laws,	
act No. 5, of 1847, relative to Port Huron and Lake Michigan R. R. Company, amended,.....	368 to 391
22, of 1827, relative to incorporation of the city of De- troit, amended,.....	210
30 and 50, of 1850, relative to the incorporation of the city of Adrian, amended,.....	181
35, of 1839, relative to elections in Detroit city, certain part of, repealed,.....	209
39, of 1853, for the relief of James Waters, amended, ..	141
41, of 1853, supplemental to, relative to mining compa- nies,.....	26
42, of 1846, relative to incorporation of the Michigan Central R. R. Company, amended,.....	304
44, of 1853, relative to plank roads, amended,.....	236
45, of 1848, relative to charter of Detroit city, certain sections of, repealed, and certain sections of, amended, ..	221
50, of 1853, relative to the incorporation of the city of Adrian, repealed,.....	187
53, of 1845, act relative to incorporation of the village of Coldwater, amended,.....	85
62, of 1848, relative to plank roads, amended,.....	236
62, " " " sec. 19, and part of sec. 17, repealed,.....	272
66, of 1853, prohibiting manufacture of intoxicating beverages, &c., repealed,.....	25
81, of 1853, for the improvement of a certain road in the counties of Eaton and Ionia, repealed,.....	181, '2
82, of 1849, relative to Detroit city Gas Light Compa- ny, amended,.....	420
82, of 1855, relative to R. R. corporations, amended, ..	193
85, of 1853, authorizing the county of Saginaw to loan its bonds, amended,.....	179
86, of 1853, tax law, amended,.....	227 to 230
87, of 1848, relative to Detroit, Romeo and Port Huron R. R. Company, amended,.....	298
89, of 1841, relative to the incorporation of the city of Detroit amended,.....	210
96, of 1849, for the encouragement of agriculture, &c., amended,.....	26
105, of 1837, supplementary to act incorporating Mich- igan and Huron Institute,.....	136, '9

act No. 105, of 1846, relative to Detroit, Romeo and Port Huron R. R. Company, amended,	297
124, of 1850, relative to Plymouth and Dearborn Plank Road, amended,	321
151, of 1851, relative to the government of the State University, amended,	232
156, of 1851, relative to powers and duties of Supervisors, amended,	108
183, of 1850, organizing county of Midland, amended,	48
184, of 1851, relative to maintaining suits in equity, sec. 16 of, repealed,	271
187, of 1848, relative to Michigan asylums, amended,	241
214, of 1850, relative to State Land Office, repealed,	351
217, of 1849, " " " "	351
243, " incorporating the village of Port Huron, amended,	139
245, of 1850, act relative to incorporation of Kalamazoo village, amended,	50
247, of 1850, incorporating the city of Grand Rapids, amended,	31
252, of 1850, relative to appropriating non-resident taxes to improve a certain road, amended,	87
290, of 1850, incorporating Southern Michigan Telegraph Company, amended,	140
act of 1834, incorporating Detroit, Romeo and Port Huron R. R. Company, amended,	299
acts of 1837, 1842 and 1849, relative to charter of Monroe city, amended,	352 to 356
act to incorporate the village of Romeo, amended,	59
joint resolution relative to the distribution of, 1855,	486
Shaw, Marvill,	
act for the relief of,	11
Ship Canal,	
around the Falls of Niagara, joint resolution relative to the construction of,	468
St. Mary's Falls, joint resolution authorizing Commissioner of, to locate track of Chippewa Portage Company,	493
St. Mary's Falls, act relative to care, charge of, &c.,	195 to 197
Shrubbery, fruit trees, &c.,	
act to prevent injuring,	479
Slaves, fugitive,	
acts to protect the rights and liberties of,	413 to 416
Slavery,	
in the Territories of the U. S., joint resolution respecting,	483 to 485
Societies,	
(see Agricultural, Charitable, and Religious Societies.)	
Southern Michigan Telegraph Company,	
charter amended,	140



Spencer, Samuel B., act for the relief of, .....	11
Special bail, in action for violation of liquor law, .....	18
Springwells, act relative to a bridge at Ives' dock, in the town of, .....	183
State Auditors, (see Board of State Auditors.)	
State Agricultural School, act to establish, .....	279
State Agricultural Society, (see Michigan State Agricultural Society.)	
State Building lands, Isaac Turner authorized to purchase certain, .....	417
joint resolution relative to certain, .....	494
State Bonds, certain holders of, required to present them, &c., .....	238, '9
State government, act to provide for payment of the expenses of, .....	285
State Inspector of Lumber, act to provide for appointment of, &c., .....	266
State lands, act to confirm certain sales of, .....	286
State Land Office, act to revise act for removal of, to Lansing, .....	349
State Normal School, act making appropriation for, .....	273
State Officers, appropriation for salaries of, .....	84, '5
State Prison, act to provide for repairing, finishing, &c., .....	282
revised statutes amended, relative to pay of officers, &c., .....	194
Agent and Inspectors of, joint resolution of instructions to, ....	481
Building Commissioner, act to provide for the appointment of, ..	284
State Reporter, to attend terms of Supreme Court, .....	46
State road, Grand Rapids to Grand Traverse, act to provide for laying out, ..	271
act to establish, in Saginaw, Tuscola, Lapeer and Genesee coun- ties, .....	308
to be laid out in Montcalm county, .....	85
State tax, joint resolution relative to claim of the State against Chippewa county for, .....	490
State Treasurer, act to provide for the withdrawal of stocks in hands of, in cer- tain cases, .....	81

act to confer certain powers on, .....	391
Lake Superior of "Eagle River," changed to "Ontonagon," .....	426
Montcalm county,	
certain State road to be laid out in, .....	85
Monroe city,	
charter amended, .....	352
Mortgage,	
C. C. Trowbridge authorized to discharge certain, .....	82
Mount Morris,	
township of, organized, .....	275
Mussey,	
township of, organized, .....	131
Muskegon township,	
time for collection of taxes in, extended, .....	10

## N.

Napoleon township,	
certain territory of Grass Lake annexed to, .....	44
Nawaygo township,	
changed to Croton, .....	282
Normal School,	
State, appropriations for, .....	273
lands, (see lands, Normal School.)	
North Shade township,	
organized and time for the collection of taxes extended, .....	45
North Star,	
township of, organized, .....	149
Northern Indiana R. R. Company,	
authorized to consolidate with Michigan Southern R. R. Com-	
pany, .....	300
Norton,	
township of, organized, .....	284

## O.

Oakland county,	
Board of Health of the town of Waterford, to control a certain	
burying ground, .....	84
Oakland & Ottawa and Detroit & Pontiac R. R. Companies,	
authorized to consolidate, .....	305
Oceana county,	
organized, .....	424
townships of Pentwater, Stoney Creek, and Clay Banks, organ-	
ized in, .....	425
Officers,	
of Michigan Asylums, salaries of, .....	240
State, salaries of, .....	34, '5
State Prison, salaries of, .....	194

Stebbins, Albert V.,	
joint resolution for the relief of, .....	482
St. Mary's Falls Ship Canal,	
joint resolution authorizing Commissioner of, to locate track of Chippewa Portage Company, .....	493
act relative to care and charge, and appointment of Superinten- dent of, .....	195 to 197
Stocks, fraudulent,	
act to prevent issue and sale of, by incorporated companies, ....	277
Stocks,	
act to provide for withdrawal of, from hands of State Treasurer, ..	81
mining companies authorized to take stock in plank roads, .....	44
Stoney Creek,	
township of, organized, .....	425
Stronack,	
township of, organized, .....	424
Strong, Elizabeth,	
name changed from Alger, .....	6
Sturgis,	
village of, incorporated, .....	356 to 366
Suit,	
duty of certain officers to commence, under liquor law, .....	17
Superintendent of Public Instruction,	
certain duties of, under the act to provide for the incorporation of Institutions of Learning, .....	53, '4
certain duties of, under the act to supply township school libra- ries with Journal of Education and Teacher's Magazine, ..	63, '4
certain duties of, under the act to establish Teachers' Institutes, 137, '8	
Superintendent of St. Mary's Falls Ship Canal,	
to be appointed, .....	195
duties of, &c., .....	195 to 197
Supervisors,	
act to define the powers and duties of, amended, .....	108, '9
of Livingston county, Hamburg, authorized to renew warrant for the collection of taxes, .....	269
of Manitowish county, to locate county seat, .....	198
duty of, at annual sessions, relative to apportionment of taxes, &c., .....	285, '6
duty of, in assessing property, .....	229, '30
of Emmet county, to locate county seat, .....	423
Gratiot                   "                   " .....	13
to levy tax for Agricultural Societies, &c., .....	26
of Ontonagon county, authorized to raise money to improve road, &c., .....	37
Midland county, to establish county seat, .....	49
Supreme Court,	
decisions of, to be reported, .....	46
Surplus funds,	
act relative to the disposition of, .....	238, '9

## Supplies,

furnished Legislature, joint resolution authorizing Board of Auditors to allow certain claims for, ..... 496

## Swamp lands,

act for the relief of purchasers of, and settlers on, ..... 418

## T.

## Tax,

to be raised for improvement of Ontonagon River, ..... 37

law, 1853, act to amend certain sections of, ..... 227 to 230

State, to provide for expenses of State government, and how apportioned, ..... 285

State, joint resolution relative to claim against Chippewa for, ... 490

## Taxes,

act No. 86, of 1853, relative to, amended, ..... 278

for school purposes in Detroit city, collection of, ..... 3, 4

to aid Agricultural Societies, &c., ..... 26

act appropriating, for improvement of a road in Eaton and Ionia counties, repealed, ..... 131

appropriation of, for improvement of a road in the counties of Saginaw, Tuscola, Genesee and Lapeer, ..... 135

common council of Detroit, authorized to refund certain, ..... 132

corporate authorities of villages, &c., authorized to levy, &c., 60, 71, 94, 105, 117, 127, 139, 206, 222, 290, 294, 298, 302, 307, 335, 336, 345, 355, 363, 387, 396, 399, 406, 410, 419.

collection of, in the several townships of Ontonagon county, provided for, ..... 8

time for the collection of, in the township of Ann Arbor, extended, 9

" " " Brookfield, " 6

" " " Buena Vista, " 64

" " " Clyde, " 8

" " city of Detroit, " 47

" " township of Emmet, " 8

" " " Hamburg, " 269

" " " Marquette, " 312

" " " Muskegon, " 10

" " " North Shade, " 46

" " " Port Huron, " 8

" " " St. Clair, " 8

" " " Thornapple, " 32

" " " Wright, " 10

" " " White River, " 10

## Taxation,

of mining companies, where they take stock in plank or rail-roads, ..... 44

## Taylor, Morse K.,

joint resolution authorizing Board of Auditors to settle claim of, ..... 490

## Teachers' Associations,

act to incorporate, ..... 263

Teachers' Institutes, act to establish,.....	187
Teachers' Magazine and Journal of Education, school libraries to be supplied with,.....	63
Tecumseh, school district No. 7 of, joint resolution authorizing, to loan money,.....	495
Telegraph Company, Southern Michigan, charter amended,.....	140
Test, no religious, required of students in Institutions of Learning,....	52
Thornapple, time for the collection of taxes in township of, extended,.....	32
Three Rivers, village of, incorporated,.....	403 to 413
Tiffany, Alexander R., joint resolution for the relief of,.....	492
Titus, Jonas H., joint resolution relative to the claim of,.....	481
Town and County Agricultural Societies, act relative to formation of,.....	150
Township and School Libraries, to be supplied with certain periodicals,.....	63
Township meetings, law relative to the transaction of certain business of, amended,...	137
Township of, Allison, organized,.....	349
Antrim, name changed to Meegeze,.....	6
Arcada, organized,.....	83
Bear Creek, ".....	422
Brown, ".....	424
Buel, ".....	268
Charlevoix, ".....	423
Clay Banks, ".....	425
Coe, ".....	348
Eastman, ".....	284
Emmet, organization of, legalized,.....	65
Forrester, organized,.....	30
Free Soil, ".....	424
Galilee, ".....	198
Goodland, ".....	179
Greenland, ".....	7
Greenwood, ".....	180
Holland, certain territory in Ottawa township annexed to,.....	50
Iron, organized,.....	348
Kenockee, ".....	65
Kimball, ".....	230

LaCroix, organized,	422
Little Sauble, "	425
Little Traverse, "	422
Manistee, "	424
Manitue, "	198
Megeezee, changed from Antrim to,	6
Millington, organized,	83
Mount Morris, "	275
Mussey, "	131
Newaygo, name changed to Croton,	232
North Shade, organized,	45
North Star, "	149
Norton, "	284
Old Fort Mackinac, "	422
Ottawa, certain territory in, annexed to Holland,	50
Patmos, organized,	198
Peaine, "	198
Pentwater, "	425
Pere Marquette, organized,	425
Stoney Creek, "	425
Stronack, "	424
Train Railways,	
act to provide for the construction of,	338 to 347
Treadwell, Jesse R.,	
joint resolution authorizing Commissioner of Land Office to issue new certificate to,	497
Treasurer,	
(see State Treasurer.)	
Trees,	
fruit, shade or ornamental, destruction of, prohibited,	479
Trenton,	
village of, incorporated,	98 to 108
Trowbridge, Charles C.,	
authorized to discharge a certain mortgage,	82
Turner, Isaac,	
authorized to purchase certain lands,	417
Turk, James D.,	
authorized to purchase certain State lands,	234
Tuscola county,	
act to establish State road in,	308
township of Millington organized in,	83
Tuscola and Lapeer counties,	
act to define the boundary between,	313

## U.

United States,	
jurisdiction, over certain lands, &c., in Detroit city, ceded to,	263, '4
military reservations in Michigan, joint resolution relative to,	485.

University,	
act relative to the fund,.....	139
to establish a Professorship of Homeopathy in,.....	232
University Lands,	
joint resolution for the relief of certain purchasers of,.....	482, '3

V.

Vacancy,	
act to provide for the appointment of Circuit Court Commissioners in cases of,.....	11
Van Fossen, John,	
joint resolution relative to the claim of,.....	487
Van Nest, Sybrant and Sally,	
C. C. Trowbridge authorized to discharge certain mortgage against, .....	82
Village of,	
Albion, incorporated,.....	65
Almont, " .....	247 to 262
Coldwater, charter amended,.....	85
Dexter, incorporated,.....	199 to 209
Dundee, " .....	87 to 97
East Saginaw, " .....	287 to 297
Hastings, " .....	392 to 402
Jackson, act to provide for the sale of certain lands in the,.....	192
Jonesville, incorporated,.....	109 to 120
Kalamazoo, charter amended,.....	50
Lexington, incorporated, .....	120 to 130
Port Huron, charter amended,.....	139
Romeo, " " .....	59
Sturgis, incorporated,.....	356 to 366
Three Rivers, " .....	403 to 413
Trenton, " .....	99 to 108
Voters,	
in school districts, who may be,.....	44, '5

W.

Washington Monument,	
joint resolution relative to claim of A. Harvie, for procuring and preparing block for,.....	495
Water Commissioners,	
of Detroit, authorized to loan money,.....	31
Waters, James,	
act for the relief of, amended,.....	141
Waterford,	
township of, Board of Health authorized to take possession of certain burial ground in,.....	84
Watrousville,	
appropriation for improving road from Lower Saginaw to,.....	264

acceptance of act 158, of 1855, by Port Huron and Lake Michigan R. R. Company, to be filed with,.....	373, 390
acceptance of act 169, of 1855, by Detroit Gas Light Company, to be filed with,.....	421
annual reports by train railway companies required to be made to, 345	
appropriation for salary of, 1855, '6,.....	34, '5
articles of association, charitable societies, to be filed and recorded in office of,.....	28
“ copy of by, evidence of incorporation, 154, 340	
“ Gas Light Companies, to be filed and recorded in office of,.....	248
“ Institutions of Learning, to be filed and recorded in office of,.....	51
“ rafting lumber, &c., to be filed and recorded in office of,.....	56
“ train railway companies, when may be filed with, .....	340
“ under general railroad law, to be filed with, 153	
arrangements made between railroad companies, relative to running cars on each others' road, to be filed with,....	174 and '5
authorized to issue patents for school lands, to David Whitney,...	493
Board of Control, House of Correction, to make annual report to,.....	147
census of Saginaw county, returns of, to be transmitted to,.....	1
certificate of location of county seat of Isabella county, to be filed with,.....	367
certificate of election of directors, under general railroad law, to be filed with,.....	155
certificate of amount of stock paid in, to be filed and recorded in office of,.....	157
certified statements of Boards of Supervisors, relative to the erection of new townships, to be filed with, and his duty relative thereto,.....	109
conveyance of lands for State Agricultural School, to be delivered to,.....	279
duties of, relative to distribution of laws, &c.,.....	486
incorporated companies, issuing scrip, &c., to file statements with, 277	
security of Banks, using surplus funds belonging to State, to be approved by,.....	239
Southern Michigan Telegraph Company, required to file acceptance of act 75, of 1855, with,.....	141
Senate Districts,	
act to re-arrange,.....	309 to 311
Senators and Representatives in Congress,	
joint resolution of instruction to, relative to slavery,.....	484, '5
“ “ “ U. S. military reservations,.....	485, '6



joint resolution of instruction  
around the Falls of Nia  
joint resolution of instruction  
to McCormick & Husse  
Session laws,

act No. 5, of 1847, relative t  
R. R. Company, an  
22, of 1827, relative  
troit, amended, . . .  
30 and 50, of 1850, r  
city of Adrian, am  
35, of 1839, relative  
part of, repealed, .  
39, of 1853, for the  
41, of 1853, supplem  
nies, . . . . .  
42, of 1846, relative  
Central R. R. Con  
44, of 1853, relative  
45, of 1848, relative  
sections of, repeale  
50, of 1853, relative  
Adrian, repealed, .  
53, of 1845, act relat  
of Coldwater, amer  
62, of 1848, relative t  
62, " " "  
sec. 17, repealed, .  
66, of 1853, prohibi  
beverages, &c., rep  
81, of 1853, for the  
the counties of Eat  
82, of 1849, relative  
ny, amended, . . . .  
82, of 1855, relative  
85, of 1853, authorizi  
its bonds, amended  
86, of 1853, tax law,  
87, of 1848, relative t  
R. R. Company, a  
89, of 1841, relative t  
Detroit amended, . .  
96, of 1849, for the  
amended, . . . . .  
105, of 1837, suppl  
igan and Huron In

